

**IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI**

**THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI**

**WRIT PETITION No.15388 of 2023**

Syed Amir Ali, S/o. Syed Galib Saheb  
Age 65 years, Occ: private driver, R/o.  
D.NO,18-19-26, Bara Imam Panja  
street, Near Green Lawn School,  
Ponnuru Road, Guntur town, Guntur  
District and another.

...Petitioners

**Versus**

The State of Andhra Pradesh, rep. by  
its Principal Secretary, Panchayat Raj  
and Rural Development Department,  
Secretariat, Velagapudi, Amaravathi  
and six others.

...Respondents

Counsel for the petitioners : Sri B. Rama Krishna  
Naik

Counsel for respondent Nos.1 & 2 : GP for Panchayat Raj  
& Rural Development

Counsel for respondent Nos.3 & 6 : GP for Revenue

Counsel for respondent Nos.4, 5 & 7 : Sri G. Venkata Reddy

**ORDER**

The above writ petition is filed to declare the action of  
the respondents more particularly the 7<sup>th</sup> respondent in  
causing obstructions in construction of house in an extent of

Ac.0-12 cents in Sy.No.386 of Namburu Village, Peda Kakani Mandal, Guntur District as illegal and arbitrary.

2. The averments, in brief, in the affidavit are that, petitioners are the legal heirs of Syed Ghorī Saheb. Sd. Ghorī Saheb purchased an extent of Ac.0-12 cents in Sy.No.386 of Namburu Village, Peda Kakani Mandal, Guntur District *vide* registered document No.3129 of 1939 from Vasireddy Krishnaiah. Sd. Ghorī Saheb was blessed with two sons namely Sd. Galib Saheb and Sd. Mouzam Ali. The 1<sup>st</sup> petitioner's father Sd. Galib Saheb built a shed for buffalos in the above said land. Father of the 1<sup>st</sup> petitioner died in the year 2003. The petitioners migrated to Guntur for livelihood. Sy.No.386 was sub-divided as 386/1, 386/2 and 386/3 and respondents are trying to dispossess the petitioners and are causing obstructions. The petitioners got issued legal notice dated 19.06.2020. Since respondents are interfering with petitioner's possession and are trying to construct Village Secretariat in the subject land, the above writ petition is filed.

3. On 22.10.2020, interim order was granted in I.A.No.1 of 2020 whereby the parties are directed to maintain *status-quo*

as on that day. The order has been extended from time to time.

4. Counter affidavit was filed on behalf of respondent Nos.5 and 7. In the counter affidavit, it was contended, *inter-alia*, that Sd. Ghorī Saheb purchased an extent of Ac.0-50 cents in Sy.no.386 *vide* registered document dated 07.07.1927. Thereafter, he sold an extent of Ac.0-30 cents in Sy.No.386 out of an extent of Ac.0-50 cents to T. Nagireddy and others. Remaining extent of Ac.0-20 cents was sold away to one Gujjula Nagireddy *vide* registered sale deed dated 25.11.1951. The petitioners did not produce any document to substantiate their contention that they are the legal heirs of Sri Sd. Ghorī Saheb. Petitioners' brother filed W.P.No.17990 of 2020 pending the present writ petition. Sri T. Venkata Reddy, in turn, gifted an extent of Ac.0-20 cents in favour of Grama Panchayat *vide* registered gift deed dated 26.05.1996 for establishing community toilets for the villagers. The Grama Panchayat established toilets by erecting fencing with iron sheets around the site. The Central Government introduced the Swachh Bharat scheme, hence, the subject site was not used by the villagers and thereby the Grama

Panchayat cleaned up the entire site. The site is in possession of Grama Panchayat. The Government sanctioned buildings for Village Secretariat, Rythu Barosa Kendram and Wellness Centre to the Grama Panchayat for construction of these three buildings. The Grama Panchayat took decision *vide* resolutions dated 20.04.2020 and 11.09.2020 to construct the buildings in an extent of Ac.0-20 cents. Eventually, prayed to dismiss the writ petition.

5. No rejoinder was filed on behalf of the petitioners.
6. Heard Sri B. Rama Krishna Naik, learned counsel for the petitioners; Sri G. Venkata Reddy, learned standing counsel appearing for respondent Nos.4, 5 & 7; learned Assistant Government Pleader for Panchayat Raj and Rural Development appearing for respondent Nos.1 & 2 and learned Assistant Government Pleader for Revenue appearing for respondent Nos.3 & 6.
7. Learned counsel for the petitioner while reiterating the contentions as per the averments made in the writ affidavit would submit that petitioners' grandfather purchased an extent of Ac.1-53 cents in D.No.389 under registered sale

deed *vide* document No.3129 of 1939 and an extent of Ac.0-12 cents in Sy.No.386 is in possession of the petitioners. However, the respondents, in the absence of the petitioners, high-handedly entered into the land and are making constructions.

8. Learned Assistant Government Pleader for Panchayat Raj & Rural Development and learned standing counsel for Grama Panchayat, on the other hand, would contend that, an extent of Ac.0-20 cents of the land where the constructions are taking place, was gifted by Sri T. Venkata Reddy by way of registered gift deed dated 26.05.1966. The Grama Panchayat is in possession and enjoyment of the property. A resolution was passed to construct the buildings therein and accordingly, the construction is going on. Learned Assistant Government Pleader for Revenue would submit that survey was conducted and the 1<sup>st</sup> petitioner attended the survey. However, the petitioners were unable to identify the land said to have been purchased by the petitioners' grandfather as per the document No.3129 of 1939.

9. The point for consideration in the writ petition is:

“Whether the authorities are constructing the structures by encroaching the petitioners’ land as alleged in the writ petition?”

10. As seen from the material available on record, there is no dispute that one Syed Ghori Saheb purchased an extent of Ac.1-53 cents in D.No.386 by registered document dated 15.12.1939. There is no dispute that Syed Ghori Saheb alienated an extent of Ac.0-30 in Sy.No.386 to one Sri T. Nagireddy and the remaining extent of Ac.0-20 cents Sy.No.386 was sold to one G. Nagi Reddy through registered sale deed dated 25.11.1951.

11. One Sri T. Venkata Reddy, son of Lingareddy gifted an extent of Ac.0-20 cents in Sy.No.386 in favour of the Grama Panchayat *vide* registered gift deed dated 26.05.1966. The Grama Panchayat initially constructed public toilets. Later, by virtue of Swachh Bharat programme, villagers stopped using toilets. The Grama Panchayat cleaned up the entire site. Resolutions were passed on 20.04.2020 and 11.09.2020

to construct the buildings therein. Accordingly, the construction has been proceeded with.

12. The contention of learned counsel for the petitioners that the constructions are being made in an extent of Ac.0-12 cents in D.No.386 belonged to their grandfather is a disputed question of fact. The petitioners have to necessarily approach the competent civil court to establish their title over the property. As seen from the documents filed along with the writ petition and the counter affidavit, it seems that Syed Ghori Saheb purchased different extents of land in D.No.386. There is no dispute about Syed Ghori Saheb's alienation of the property as indicated *supra*.

13. This Court while exercising jurisdiction under Article 226 of the Constitution of India, normally shall not go into disputed questions of facts.

14. In view of the discussion *supra*, since there are serious disputed questions of facts involved, this Court, *prima-facie*, does not find any merit in the writ petition and the same is liable to be dismissed.

15. Accordingly, the Writ Petition is dismissed. Any observation made by this Court will not come in the way of the petitioners to establish their title over the property before the Civil Court. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

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**JUSTICE SUBBA REDDY SATTI**

Date: 15.12.2023

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