

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 15987 OF 2023



Between:

Nanda Kumari, D/o.Chandika Venkateswarao, aged about 70 years, R/o.D.No.3-63, Chittipalem, Arisepalle, S.N.Gollapalem, Krishna District-521 001. Being Mentally retarded Rep. by her Next Friend Smt. Ch.V.Ramana Kumari, W/o.Ch. K.V.Prasad, aged about 57 years, R/o. D.No.3-61, Chittipalem, Arisepalle, S.N.Gollapalem, Krishna District.521 001

...PETITIONER

AND

1. The State Of Andhra Pradesh, Through the Principal Secretary, Department of Revenue (Assignment) Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector,, Krishna District, Chilakalapudi, Machilipatnam.
3. The Tahsildar,, Machilipatnam Mandal, Machilipatnam, Krishna District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in trying to dispossess the petitioner from the land of an extent of Ac.O-52 cents in R.S.No.131/3 and Ac.O-65 cents in Rs.S.No.181/1 of Arisepalle Village of Machilipatnam Mandal, Krishna District without following the due process of law as arbitrary, illegal capricious and violative of Article.14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to dispossess the petitioner from the subject property without following the due process of law.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant leave to the deponent to file the above Writ Petition on behalf of the Petitioner.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to dispossess the Petitioner from the land of an extent of Ac.O-52 cents in R.S.No.131/3 and Ac.O-65 cents in Rs.S.No.181/1 of Arisepalle Village of Machilipatnam Mandal, Krishna District, pending disposal of the above Writ Petition.

Counsel for the Petitioner :SRI. SAI GANGADHAR CHAMARTY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.15987 OF 2023

Between:-

Nanda Kumari, D/o.Chandika Venkateswara Rao,
Aged 70 years, being mentally retarded, Rep. by her
Next Friend Smt.Ch.V.Ramana Kumari, W/o.Ch.K.V.Prasad
... Petitioner
and

The State of Andhra Pradesh, Rep. by its Principal Secretary,
Department of Revenue (Assignment), Secretariat, Velagapudi,
Amaravathi, Guntur District, and others
... Respondents

Counsel for the petitioner : Mr.Sai Gangadhar Chamarty

Counsel for respondents : The G.P. for Revenue

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue. With the consent of both sides, the writ petition is disposed of, at the stage of admission.

2. Aggrieved by the action of the respondents in trying to dispossess the petitioner i.e., Nanda Kumari (being mentally retarded, represented by her next friend Smt.Ch.V.Ramana Kumari) from the land of an extent of Ac.0.52 cents in R.S.No.131/3 and Ac.0.65 cents in R.S.No.181/1 of

Arisepalle Village of Machilipatnam Mandal, without following the due process of law, the present writ petition is filed.

3. In the writ petition, it is stated that the land of an extent of Ac.0.52 cents in R.S.No.131/3 and Ac.0.65 cents in R.S.No.181/1 of Arisepalle Village of Machilipatnam Mandal, Krishna District, was assigned three decades back to one Mr.Chandika Venkateswara Rao, to whom the petitioner is the only daughter. That after his death, welfare of the petitioner was entrusted to her next friend, Smt.Ch.V.Ramana Kumari, as the petitioner is mentally retarded with 75% disability. It is also stated that the deponent herein is taking care of the petitioner by cultivating the above mentioned land and attending her necessities by spending the amounts derived from yield of the crop. It is also alleged that a board was erected in the subject matter land, more particularly in survey No.131/3 of an extent of Ac.0.52 cents, and the respondents are resorting to high-handed action and therefore, the present writ petition is filed.

4. Learned counsel for the petitioner, while drawing the attention of this Court to the entries in the latest adangals dated 19.6.2023 and 29.6.2023 in respect of the subject matter land, contends that the respondents are trying to dispossess the petitioner without issuing any notice or following due process of law. He submits that if the petitioner is evicted from the subject matter land, which is in her possession and is being cultivated by the deponent herein, great hardship and irreparable loss would be caused to the petitioner. Having left with no other alternative, the learned counsel submits that the present writ petition is filed seeking appropriate directions.

5. Learned Assistant Government Pleader for Revenue, on the other hand, on the basis of the written instructions dated --.07.2023 received from the 3rd respondent, submits that as per RSR of Arisepalli Village, R.S.No.131/3 to an extent of Ac.0.52 cents is classified as "G-P" and noted as "Topu" and land of Ac.9.35 cents in R.S.No.181/1 is classified as "G-P" and noted as "Alli Cheruvu". He further submits that there is a burial ground in R.S.No.131/1 of an extent of Ac.0.28 cents, which is adjacent to R.S.No.131/3.

He submits that as there is no road connectivity to the burial ground, which is being used by the Villagers, a road was proposed through R.S.No.131/3 and 131/1 in the interest of public. He submits that even as per the adangals on which reliance is placed by the petitioner, the nature of the land is shown as "Government Land - Poramboke". He submits that there are no merits in the writ petition and therefore, the same is liable to be dismissed.

6. This Court has considered the submissions made and perused the material on record, including the adangals referred to above. It is no doubt true that the name of Chandika Venkateswara Rao was referred to in the possessor's column, but even as per the case of the petitioner, the land in question belongs to the Government. In such circumstances and in view of the entries in the adangals, more particularly with reference to the possession, even if the respondents intend to dispossess the petitioner from the subject matter land, they have to follow due process of law. In the present case, it appears that the land in question is required for public purpose and if the respondents intend to utilize the same, without following

due process of law, the respondents cannot take any action much less, coercive action against the petitioner.

7. Accordingly, the writ petition is disposed of, with a direction that the respondents shall not take any action in respect of the subject matter property, without following the due process of law. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

SD/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

[Signature]
REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Revenue (Assignment) Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector,, Krishna District, Chilakalapudi, Machilipatnam.
3. The Tahsildar,, Machilipatnam Mandal, Machilipatnam, Krishna District.
4. One CC to Sri. Sai Gangadhar Chamarty Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
6. Two CD Copies.

KRK

[Signature]

HIGH COURT

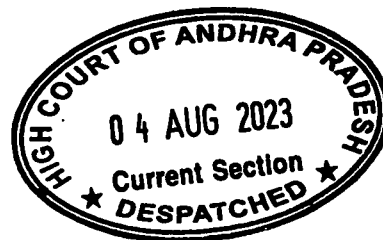
NJSJ

DATED:07/07/2023

ORDER

WP.No.15987 of 2023

8 Copies
TP
4/8/2023



DISPOSING THE WP WITHOUT COSTS