

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 21213 OF 2020

Between:

1. G.K.Eeranna S/o Kariyanna, Hindu, Aged about 45 years, Agriculturist, R/o H.No.2-41, G.G.Hatti village, Bommanagundanahalli, Rolla Mandal, Anantapur District.
2. G.K.Mahalingappa, S/o Kendanna Hindu, aged about 42 years, Agriculturist, R/o H.No.2-9A, G.G.Hatti village, Bommanagundanahalli, Rolla Mandal, Anantapur District.
3. Murakkanappa, S/o Sanna Siddappa Hindu, aged about 56 years, Agriculturist, R/o H.No.2-14, G.G.Hatti village, Bommanagundanahalli, Rolla Mandal, Anantapur District.
4. M.Kenadanna, S/o Kenda Mareppa Hindu, aged about 46 years, Agriculturist, R/o H.No.2-34, G.G.Hatti village, Bommanagundanahalli, Rolla Mandal, Anantapur District.
5. G.C.Sanna Mareppa, S/o Chikkanna Hindu, aged about 30 years, Agriculturist, Rio H.No.2-39A, G.G.Hatti village, Bommanagundanahalli, Rolla Mandal, Anantapur District.
6. P.Gowda Chikkanna, S/o Peepanna Hindu, aged about 74 years, Agriculturist, R/o H.No.2-44A, G.G.Hatti village, Bommanagundanahalli, Rolla Mandal, Anantapur District.

Petitioners**AND**

1. The State of Andhra Pradesh, Rep. by it's Principal Secretary(Revenue), Secretariat Building, Amaravati
2. The District Collector, Anantapur District.
3. The Sub-Collector, Penugonda Anantapur District
4. The Tahsildar and Mandal Executive Magistrate, Rolla Mandal, Anantapur District.
5. Chikkanna, S/o Chikkanna, Hindu, aged about 50 years, Agriculturist, R/o G.G.Hatti village, Rolla Mandal, Anantapur District - 515321.
6. Kendanna, S/o Chikkanna Hindu, aged about 53 years, Agriculturist, R/o G.G.Hatti village, Rolla Mandal, Anantapur District - 515321.
7. Mareppa, S/o Chikkanna Hindu, aged about 56 years, Agriculturist, R/o G.G.Hatti village, Rolla Mandal, Anantapur District -515321.
8. Peepanna, S/o Chikkanna Hindu, aged about 65 years, Agriculturist, Rio G.G.Hatti village, Rolla Mandal, Anantapur District -515321.
9. Joganna, S/o Dodda Siddappa Hindu, aged about 62 years, Agriculturist, Rio G.G.Hatti village, Rolla Mandal, Anantapur District -515321.
10. Amma Jakka, D/o Kodi Mareppa Hindu, aged about 35 years, Agriculturist, R/o G.G.Hatti village, Rolla Mandal, Anantapur District -515321

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 writ order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the 4th Respondent in passing the preliminary order under sec.145(1) of Cr.P. vide M.C.No.32/2020/A dt 09-10-2020 where-in restrained the Petitioners from Northern side pathway to reach the Hillock area for grazing of their sheep and cattles which is a government grazing land sy.no.604 an extent of Ac.149.53 cents of B.G.Halli Reveue village on the protest of unofficial respondents 5 to 10 who are the encroachers is illegal, arbitrary and violative of Articles 14, 21 and 300A of the Constitution of India and also contrary to the Board Standing Orders. Consequently

direct the 3rd and 4th Respondent to evict the unofficial respondents who encroached the north side pathway of Hillock area and permit the Petitioners for ingras and egress to reach the hillock area for grazing their sheep and cattle by setting aside the Impugned order and to pass

IA NO: 1 OF 2020

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 Suspend the Restrained order vide.M.C.No.32/2020/A dt: 09-10-2020 and to directing the 4th Respondent to permit the Petitioners their ingras and egress of the Northern side Pathway to reach the grazing fields/Hillock in Sy.No.604 an extent of Ac.149.53 cents of B.G.Halli Revue village for grazing their sheep and cattle, pending disposal of the above writ petition No.21213 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri.N.A.Ramachandra Murthy Advocate for the petitioners and of GP for Revenue for Respondent Nos.1 to 4, the Court made the following.

ORDER:

Petitioners are permitted to take out personal notice to respondents 5 to 10 through RPAD and file proof of service in the Registry.

Post on 02.12.2020.

In the meanwhile, The order vide M.C.No.32/2020/A, dt: 09-10-2020 issued by 4th respondent is suspended.

Sd/- A. SURYA PRAKASH RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER,

To,

1. The Principal Secretary (Revenue), State of Andhra Pradesh, Secretariat Building, Amaravati
2. The District Collector, Anantapur District.
3. The Sub-Collector, Penugonda Anantapur District
4. The Tahsildar and Mandal Executive Magistrate, Rolla Mandal, Anantapur District.
5. Chikkanna, S/o Chikkanna, R/o G.G.Hatti village, Rolla Mandal, Anantapur District - 515321.
6. Kendanna, S/o Chikkanna R/o G.G.Hatti village, Rolla Mandal, Anantapur District - 515321.
7. Marena, S/o Chikkanna, R/o G.G.Hatti village, Rolla Mandal, Anantapur District -515321.
8. Peepanna, S/o Chikkanna, R/o G.G.Hatti village, Rolla Mandal, Anantapur District -515321.
9. Joganna, S/o Dodda Siddappa, R/o G.G.Hatti village, Rolla Mandal, Anantapur District -515321.
10. Amma Jakka, D/o Kodi Marena, R/o G.G.Hatti village, Rolla Mandal, Anantapur District -515321 (1 to 10 by RPAD)
11. One CC to Sri.N.A.Ramachandra Murthy Advocate [OPUC]
12. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
13. One spare copy

SRL

HIGH COURT

DRJ

DATED:11/11/2020

NOTE: POST ON 02.12.2020

ORDER

WP.No.21213 of 2020

SUSPENSION

