

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
WRIT PETITION NO: 25073 OF 2023



Between:

1. Shaik Shakeela, W/o. Rasheed, Aged about 45 years, R/o. Tettu village, H/o. Mocherla, Gudluru Mandal, SPSR Nellore District.
2. Syed Fatima, W/o. Syed Mahaboob Subhani Aged about 65 years, R/o. Tettu Bazir Road, Ramayapatnam, Gudluru mandal, SPSR Nellore District.
3. Appanaboina Narasimha Rao, S/o. Venkata Subbaiah, Aged about 54 years, R/o. D.No. 1-763, Bank Colony, Chilkaluripet, Palnadu District.
4. Subham Developers, D.No.14/1, Aurandalpet, Guntur, Rep.by its Proprietor Shaik Azmathulla, S/o. Shaik Ghan Saida, Age 34 years, Flat No. 502, Vibhu Amruth Apartments, Saibaba Road, Vidyanagar, Guntur, Guntur District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep.by the Principal Secretary to Government of Andhra Pradesh, Revenue (Land Acquisition) Department, Secretariat, Amaravathi, Guntur District.
2. The District Collector, SPSR Nellore District at SPSR Nellore
3. The Sub-Collector/Land Acquisition Officer, Kandukuru Division, Kandukuru, SPSR Nellore District.
4. The Tahasildar, Gudluru Mandal, SPSR Nellore District.
5. The Sub-Registrar, Kavali, SPSR Nellore District.
6. The Nellore Urban Development Authority, Rep by its Vice Chairman, Nellore, SPSR Nellore District.
7. A.P.Maritime Board, 2nd Floor, IHC Corporate Building, I.T.Park, Mangalagiri, Guntur District - 522503 Rep. by its General Manager (Legal) (R7 is impleaded in writ petition and affidavit as per the Court's Order, dated.29.09.2023 vide order passed in I.A.2 of 2023)

...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 or direction particularly in the nature of mandamus or any other appropriate writ,

A).To declare the action of the respondents No.1 to 3 in initiating proceedings vide R.C.No.G2/1122/2023, dated 30.8.2023, on the file of the 2nd respondent under section 11 (1) of The Right to Fair Compensation and

Transparency in Land Acquisition, and Resettlement Act, 30 of 2013, in which the subject property which is divided into plots vide TLP No.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.Nos.555, 556, 557, 558, 659, 659/1, 659/2,661/1,661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District belonging to the 4th petitioner which is sought to be acquired, as illegal, void, abinitio, arbitrary and nonest in the eye of law and also violation of the provisions engrafted to the Act, 2013.

B).Consequently, to set-aside proceedings vide R.C.No.G2/1122/2023, dated 30.8.2023, on the file of the 2nd respondent under section 11 (1) of Right -2013, in which the subject property which is divided into plots vide TLP No.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.Nos.555, 556, 557, 558, 659, 659/1, 659/2,661/1,661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District belonging to the 4th petitioner which is sought to be acquired,

C).Consequently, to direct the 5th respondent to receive and register the sale deeds executed by the 4th petitioner infavour of the prospective buyers in respect of the plots divided in the subject property vide TLP No.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.No.555,556,557,558,659,659/1, 659/2,661/1,661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District

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 stay all further proceedings pursuant to the notification vide R.C.No.G2/1122/2023, dated 30.8.2023 of the 2nd respondent and direct the 5th respondent to receive and register the sale deeds executed by the 4th petitioner infavour of the prospective buyers in respect of the plots divided in the subject property vide TLP No.1105/0035/NUDA/2023, dated 11.8.2023 situated in Sy.Nos.555, 556, 557, 558, 659, 659/1, 659/2, 661/1, 661/2 of Mocherla village, Gudluru Mandal, SPSR Nellore District, Pending disposal of WP 25073 of 2023, 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 the order of the High Court, dated 19.12.2023 & 28.12.2023 made herein and upon hearing the arguments of SRI RAMA RAO KOCHIRI Advocate for the Petitioners, and of GP FOR LAND ACQUISITION, for the Respondent Nos.1 to 4, and of GP FOR STAMPS & REGISTRATION for the Respondent No.5, and of SRI K.SRINIVASULA REDDY, Standing Counsel for the Respondent No.6 and of SRI J. UGRANARASIMHA, Counsel for the Respondent No.7, the Court made the following

ORDER:

“Sri J.Ugranarasimha, learned counsel for the respondent no.7 and the learned Government Pleader for Land Acquisition collectively brought to the notice of this Court that under the guise of interim orders, the petitioners are laying road and making constructions in the subject property and prayed this Court to direct the petitioners not to lay any road in the subject land and not to proceed with the further constructions.

In view of the above, Interim order earlier granted is extended till 22.01.2024 with a direction to the petitioners not to make any constructions and not to lay any road in the subject land.

Post on 22.01.2024 immediately after motion list.”

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. One CC to SRI. RAMA RAO KOCHIRI Advocate [OPUC]
2. One CC to SRI K.SRINIVASULA REDDY, Standing Counsel [OPUC]
3. Two CCs to GP FOR LAND ACQUISITION, High Court of Andhra Pradesh. [OUT]
4. Two CCs to GP FOR STAMPS AND REGISTRATION, High Court of Andhra Pradesh [OUT]
5. One spare copy

KJ

HIGH COURT

RC,J

DATED:10.01.2024

NOTE: POST ON 22.01.2024 IMMEDIATELY AFTER MOTION LIST

ORDER

WP.No.25073 of 2023

EXTENDED INTERIM ORDER

