

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

**MONDAY, 24TH DAY OF APRIL, TWO THOUSAND AND
TWENTY THREE**

WRIT PETITION No.10354 of 2023

Between:

Moka Baby, D/o. Rama Rao, Aged
about 58 years, Occu: Agriculture, R/o.
D.No. 32/128, Gilakaladindi,
Machilipatnam, Krishna District.

....Petitioner

And

The State of Andhra Pradesh, Rep by
its Principal Secretary, Revenue
Department, Secretariat Buildings,
Velagapudi, Amaravati, Guntur District
and 2 others.

....Respondents

ORDER:

Heard the learned counsel for the petitioner and the
learned Assistant Government Pleader for Revenue for the
respondents.

2. The grievance of the writ petitioner is that the 3rd
respondent is trying to dispossess the petitioner from the
subject land in an extent of Ac. 1.25 cents in Sy.No. 577 and
Ac. 1.75 cents in Sy.No. 660/1 in total Ac. 3.00 cents
situated in Bandar East (Gilakaladindi) Village,

Machilipatnam Mandal, Krishna District without following any due procedure.

3. The learned counsel for the petitioner submits that the petitioner's father purchased an extent of Ac. 1.99 cents of the said village under an unregistered document dated 26.08.1983. Similarly thereafter, the petitioner's father executed a Registered Gift Deed in favour of the petitioner's mother on 30.10.2010 for an extent of Ac. 1.25 cents in Sy.No. 577 and Ac. 1.75 cents in Sy.No. 660/1 of the said Village. Then the petitioner's mother executed a will dated 01.03.2017 in favour of the petitioner bequeathing the interest in the subject land of total extent of Ac. 3.00 cents. Thus, the petitioner has been in possession and enjoyment of the same. While so, the 3rd respondent is trying to interfere with the peaceful possession and enjoyment of the petitioner's subject land. Hence, she made a complaint in Spandana Programme to the 2nd respondent on 27.03.2023. The resolving date is given as 26.05.2023. But in the meanwhile, the 3rd respondent is trying to dispossess the petitioner from the subject land on the ground that it is required for some public purpose.

4. On the other hand, the learned Assistant Government Pleader appearing for the respondents submits that the 3rd respondent will follow the due procedure with respect to the subject land.

5. In view of the above said facts and circumstances, the 3rd respondent is directed not to dispossess the petitioner from the subject land in an extent of Ac. 3.00 cents as stated above except by following the due process of law. However, it does not preclude for the respondent nos. 2 and 3 to recover/protect the subject land strictly in accordance with law.

6. Accordingly, the Writ Petition is disposed of. No costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

24.04.2023
UPS