

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

TUESDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN
WRIT PETITION NO: 10485 OF 2023**



Between:

1. A Guru Murthy Reddy, S/o late Illaiah, Aged about 55 years, Cultivation, R/o EWS Colony. Paradesipalem, China Gadili Mandal, Visakhapatnam District.
2. Palla Bangaramma, W/o late Durgaiah, Aged about 45 years, Cultivation, R/o EWS Colony, Paradesipalem, China Gadili Mandal, Visakhapatnam District.
3. Bora Appala Reddy, S/o late Appa Rao, Aged about 45 years, Cultivation, R/o Boravanipalem Village, Paradesipalem, China Gadili Mandal, Visakhapatnam District.
4. M.Jagannadha Raju, , S/o late Appala Raju, Aged about 58 years, R/o Manikavalasa, Paradesipalem Post, China Gadili Mandal, Visakhapatnam District. (Petitioners 1 to 4 Rep.by their GPA holder Sri Saladi Subbarao, S/o. Gurayya, aged 50 years, R/o. Door.No. 6-6/a, Gogulamma Temple Street, Gopalapuram, Ravulapalem Mandal, East Godavari District)

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Amaavati, Guntur District.
2. The Chief Commissioner of Land Administration, Government of Andhra Pradesh, Vijayawada.
3. The District Collector, Visakhapatnam District, Visakhapatnam.
4. The Joint Collector, Visakhapatnam.
5. The Tahasildar, Visakhapatnam Rural, Visakhapatnam.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus declaring the orders passed by the 1st respondent in Memo 46846/Assm.I(2)/2008 dated 5-3-2012 as illegal, arbitrary and violation of 14 and 21 of the Constitution of India and to consequently set aside the same and further direct the respondents to allot the lands to the petitioners either on market value or through assignment in landless poor category.

IA NO: 1 OF 2023:

Petition under Section 151 of CPC is filed 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 interfere with the petitioners peaceful possession and enjoyment of the land being an extent of Ac.4.60 cents situate in Sy.No.71/3 of Paradesipalem Village, Chinagadili Mandal, Visakhapatnam District, Pending disposal of WP 10485 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 upon hearing the arguments of Sri V V SATISH Advocate for the Petitioners and of GP FOR REVENUE for the Respondents 1 to 5, the Court made the following

ORDER:

"Heard the learned counsel for the petitioners.

The learned counsel for the petitioners submits that, the petitioners are in possession and enjoyment of the subject land in an extent of Ac.4.60 cents in Sy.No.71/3 situated at Paradesipalem Village, Chinagadili Mandal, Visakhapatnam District for a long time and they developed the said land by cultivating the same.

The order of the 2nd respondent in the Revision Petition filed by the petitioners, dated 24.12.2005, the proceedings of the RDO Visakhapatnam addressed to the 3rd respondent, dated 14.06.2006, the proceedings of the 3rd respondent, dated 14.06.2006, the proceedings of the 3rd respondent addressed to the 2nd respondent, dated 19.08.2006 and the proceedings of the 3rd respondent addressed to the 2nd respondent, dated 07.06.2008 are in favour of the petitioners to assign the subject land on payment of market value to the petitioners. After disposal of the earlier W.P.No.35468 of 2014, the petitioners now challenged the U-turn taken by the 1st respondent in the impugned proceedings, dated 05.03.2012 rejecting the proposals to assign the said land on payment of market value to the petitioners.

The learned counsel for the petitioners submits that when the respondent Nos.2 to 4 have taken a decision to consider for the proposal for assignment of the said land on payment of market value to the petitioners the rejection of the same by the 1st respondent itself is contrary to facts and law.

On the other hand, the learned Assistant Government Pleader for Revenue seeks time to file counter.

In view of the above said facts and circumstances, as there is a continuous long possession over the subject land, there shall be an order of *Status-Quo* to be maintained as on today with respect to the subject land in an extent of Ac.4.60 cents in Sy.No.71/3 situated at Paradesipalem Village, Chinagadili Mandal, Visakhapatnam District, pending further orders.

List the matter after Summer Vacation, 2023."

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Buildings, Amaavati, Guntur District.
2. The Chief Commissioner of Land Administration, Government of Andhra Pradesh, Vijayawada.
3. The District Collector, Visakhapatnam District, Visakhapatnam.
4. The Joint Collector, Visakhapatnam.
5. The Tahasildar, Visakhapatnam Rural, Visakhapatnam. (Addresses 1 to 5 by RPAD)
6. One CC to SRI. V V SATISH Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
8. One spare copy

ER

HIGH COURT

BKMJ

DATED:25/04/2023

LIST THE MATTER AFTER SUMMER VACATION, 2023

ORDER

WP.No.10485 of 2023

STATUS QUO

