

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
WEDNESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE
:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA ✓

WRIT PETITION NO: 18788 OF 2023 ✓



BETWEEN:

1. Budagatla Ramesh Naidu, S/o. Kamaiah,
Aged about 38 yrs, R/o. Peddaganagallapeta,
Srikakulam Mandal, Srikakulam District
2. Budagatla Meghana, W/o. Budagatla Ramesh Naidu,
Aged about 30 yrs, R/o. Peddaganagallapeta,
Srikakulam Mandal, Srikakulam District
3. Ganagalla Bharathi, W/o. Kamaraju,
Aged about 37 yrs, R/o. Peddaganagallapeta,
Srikakulam Mandal, Srikakulam District
4. Ganagalla Venkata Rathnam, W/o. Kanaka Rao,
Aged about 42 yrs, R/o. Peddaganagallapeta,
Srikakulam Mandal, Srikakulam District
5. Budagatla Kamaiah, S/o. Kamaiah,
Aged about 60 yrs, R/o. Peddaganagallapeta,
Srikakulam Mandal, Srikakulam District
6. Budagatla Lakshamma, W/o. Kamaiah,
Aged about 56 yrs, R/o. Peddaganagallapeta,
Srikakulam Mandal, Srikakulam District
7. Gonagalla Korlaiah, S/o. Avataram,
Aged about 46 yrs, R/o. Peddaganagallapeta,
Srikakulam Mandal, Srikakulam District
8. Eripalli Govinda Rao, S/o. Hari Swamy,
Aged about 32 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
9. Gotiwada Nooka Raju, S/o. Adinarayana,
Aged about 32 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
10. Yerupalli Atchaiah, S/o. Appa Rao,
Aged about 48 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District

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11. Gotivada Trinatha Rao, S/o. Adinarayana,
Aged about 35 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 12. Gotivada Suryanarayana, S/o. Adinarayana,
Aged about 44 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 13. Gotivada Thavitamma, W/o. Adinarayana,
Aged about 56 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 14. Sindhupalli Raja Rao, S/o. Tata Rao,
Aged about 35 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 15. Akkala Kama Raju, S/o. Krishna Murthy,
Aged about 37 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 16. Savadala Kama Raju, S/o. Ramulu,
Aged about 70 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 17. Savadala Krishnaiah, S/o. Kamaraju,
Aged about 74 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 18. Adapaka Ramulamma, W/o. Krishna Murthy,
Aged about 32 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 19. Akkala Govinda Rao, S/o. Hari Swamy,
Aged about 60 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 20. Golli Asiramma, W/o. Thammaiah,
Aged about 54 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 21. Adapaka Ramanamma, W/o. Raja Rao,
Aged about 43 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
 22. Savadala Raja Rao, S/o. Yellaiah,
Aged about 44 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District

23. Savadula Parvathi, W/o. Krishna,
Aged about 52 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
24. Savadula Kamaraju, S/o. Hari Swamy,
Aged about 35 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
25. Kondapalli Karuvulu, S/o. Yerraiah,
Aged about 55 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
26. Kondapalli Suryanarayana, S/o. Yerraiah,
Aged about 57 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District
27. Adapaka Seetaiah, S/o. Asiriah,
Aged about 72 yrs, R/o. Jalaripeta,
Srikakulam Mandal, Srikakulam District

... Petitioners

And

1. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department,
A.P Secretariat at Velagapudi,
Amaravathi, Guntur District
2. The District Collector,
Srikakulam District at Srikakulam
3. The Tahsildar,
Srikakulam Mandal,
Srikakulam District
4. The Fisheries Development Officer,
Srikakulam, Srikakulam 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 a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the notices issued by the 3rd Respondent under section 7 & 6 vide Rc No. 354/2021/A, 22.06.2023, and vide Rc.No. 354/2021/A dt. 11.07.2023 to the Petitioners and without considering petitioners appeals pending before the 2nd respondent against section 6 notices under Land Encroachment Act 1905 in respect of aqua ponds of the Petitioners in their ancestral property, as illegal, irregular, arbitrary, unreasonable, unfair, unjustified, unconstitutional and unsustainable and set-aside them

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 stay all further proceedings of the Respondents pursuant to notices issued by the 3rd Respondent under section 7 and 6 vide Rc No. 354/2021/A, 22.06.2023, and vide Rc.No. 354/2021/A dt. 11.07.2023, Pending disposal of WP 18788 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 made herein and upon hearing the arguments of SRI SURESH KUMAR ROUTHU Advocate for the Petitioners, GP FOR REVENUE, for the Respondent Nos.1 to 3, GP FOR FISHERIES, for the Respondent No.4, the Court made the following

ORDER:

Heard learned counsel for the petitioners.

Learned Assistant Government Pleaders for Revenue and Fisheries seek time to secure written instructions in the matter.

Considering the submissions that during the pendency of the appeals and stay petitions filed against the orders passed by the 3rd respondent under the provisions of the A.P.Land Encroachment Act, *coercive* action is being taken including demolition of the fish tanks etc., there shall be a direction to the respondents not to resort to such actions, till appropriate orders are passed by the 2nd respondent in the applications filed by the petitioners along with the appeals.

List this case after two (2) weeks.

Sd/- P. VINOD KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

For /

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Revenue Department, A.P Secretariat at Velagapudi, Amaravathi, Guntur District
2. The District Collector, Srikakulam District at Srikakulam
3. The Tahsildar, Srikakulam Mandal, Srikakulam District
4. The Fisheries Development Officer, Srikakulam, Srikakulam District
5. Eripalli Govinda Rao, S/o. Hari Swamy, R/o. Jalaripeta, Srikakulam Mandal, Srikakulam District **(Addressees 1 to 5 by RPAD)**
6. One CC to SRI. SURESH KUMAR ROUTHU Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR FISHERIES, High Court of Andhra Pradesh[OUT]
9. One spare copy

PSR

HIGH COURT

NJS,J

DATED:26/07/2023

NOTE: LIST THIS CASE AFTER TWO (2) WEEKS

ORDER

WP.No.18788 of 2023

INTERIM DIRECTION

