IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.19564 OF 2023

Between:-

Jakkula Ramana, W/o.Veeranjaneyulu
and others

... Petitioners

and

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, and others

... Respondents

Counsel for the petitioners: M/s.Nimmagadda Revathi

Counsel for respondents : The G.P. for Revenue

ORDER:

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue. With their consent, the writ petition is disposed of, at the stage of admission. Notice to respondent Nos.5 to 8 is deemed not necessary.

2. The writ petition is filed seeking to declare the action of the respondents, particularly respondent Nos.2 to 4, in insisting the petitioners to vacate from the subject matter house-sites of an extent of Ac.0.03 cents each bearing plot Nos.1 to 8 covered by survey No.215/1A of Pernametta Revenue Village and also Notice in Rc.No.A/446/2023, dated

15.6.2023 as illegal, irregular, irrational etc., and for consequential directions.

3. Learned counsel for the petitioner, *inter alia* submits that the petitioners are agricultural labourers belonging to S.C. community and they are absolute owners and peaceful possessors of the above said house plots. She submits that during the year 2006, the plots were assigned to the petitioners and ever since they are in peaceful possession and enjoyment of the same and when the respondents made attempts to interfere with the petitioners' possession, Writ Petition No.24836 of 2017 was filed and the same was disposed of by an order dated 27.7.2017, and thereafter the respondents have granted possession certificates to the petitioners. Learned counsel submits that under the influence of some third parties and politicians, a notice dated 15.6.2023 was issued alleging that the petitioners have encroached canal poramboke in survey No.215/1A of Pernametta Village and sought to take action under the guise of survey. Learned counsel submits that the action of the respondent authorities, though the petitioners are in valid possession and enjoyment of the house site plots assigned, is unjust and arbitrary. She also submits that as the

respondents are resorting to coercive action and insisting the petitioner to vacate from the subject matter house sites, they are constrained to file the present writ petition.

4. Learned Assistant Government Pleader for Revenue, on the other hand, while placing a copy of the written instructions dated 02.8.2023 received from the 4th respondent for perusal of this Court, made his submissions. He submits that in survey No.215/1A of an extent of Acs.4.62 cents is classified as Channel Poramboke as per the entries of Pernametta Village and therefore, notices were issued to the petitioners. He submits that the petitioners have submitted their explanation to the said notices and, instead of awaiting for orders on the same, have filed the present writ petition, and the same is not sustainable. He further submits that to protect the water bodies, action is sought to be initiated and the same cannot be found fault with.

5. Considered the submissions made and perused the material on record. Though learned counsel for the petitioner sought to impress upon this Court that the respondents are trying to dispossess the petitioners by resorting to high-handed action and without following due process of law, admittedly notices were issued to the petitioners to which

they have submitted their explanations/objections. In such circumstances, this Court deems it not desirable to go into the various aspects raised in the writ petition. Suffice to state that it is for the Authorities concerned, who have issued the notices, to pass appropriate orders on the objections submitted by the petitioners. However, as the apprehension of the petitioners is that without passing appropriate orders, they may be dispossessed from the subject matter house sites, this Court deems it appropriate to dispose of the writ petition with a direction to the 4th respondent to take necessary action in the matter only after passing appropriate orders on the objections submitted by the petitioners, pursuant to the impugned notices.

6. With the above observations, the writ petition is disposed of, with a direction that the 4th respondent shall not resort to any coercive action in respect of the subject matter house sites, without passing orders on the objections of the petitioners. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

NINALA JAYASURYA, J

August 04, 2023.
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