



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

FRIDAY, THE FOURTH DAY OF AUGUST

TWO THOUSAND AND TWENTY THREE

**:PRESENT:
THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**

WRIT PETITION NO: 19654 OF 2023

Between:

1. K Mallikarjuna, S/o. Balappa, aged about 41 years, Kantevaripalli, Kurabalakota Mandal, Annamayya District.
2. K.Rambabu, S/o.K.Ramachandra, aged about 26 years, Kantevaripalli, Kurabalakota Mandal, Annamayya District.
3. K.Navin Babu, S/o.Ramachandra, aged about 24 years, Kantevaripalli, Kurabalakota Mandal, Annamayya District.
4. K.Sambasiva, S/o. Jayanna, aged about 51 years, Kantevaripalli, Kurabalakota Mandal, Annamayya District.
5. K.Chinnappa, S/o.K.Ramaswamy, aged about 65 years, Kantevaripalli, Kurabalakota Mandal, Annamayya District.

Petitioners

AND

1. The State of Andhra Pradesh, rep.by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector, Annamayya District,
3. The Tahsildar, Kurabalakota Mandal, Annamayya District.
4. The Chairman and Managing Director, A.P.Transco, Padmavathi Nagar, Thirupathi.

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 an appropriate writ order or direction more in the nature of WRIT OF MANDAMUS declaring the action of the respondents 1 to 4 herein threatening to dispossess the petitioners from the land situated in Sy.No.1887/1 an extent of Ac.4.80 cents in Kantevaripalli, Kurabalakota Mandal, Annamayya District without following the due process of law or without acquiring the land under the provisions of Right to Fair Compensation and Transferring in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is illegal, arbitrary and violation of Art.14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to dispossess the petitioners from the subject land without following the due process of law .

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 direct the respondents 1 to 4 not to dispossess the petitioners 1 to 5 from the land in Sy.No.1887/1 to an extent of Ac.4.80 situated at Kantevaripalli, Kurabalakota Mandal, Annamayya District, Pending disposal of WP 19654 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 M VENKATA RAMANA REDDY Advocate for the Petitioners and of GP FOR REVENUE for the Respondent Nos. 1 to 3, Sri V R REDDY KOVVURI, Standing Counsel for Respondent No.4, the Court made the following

ORDER

"Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

The Writ Petition is filed against the action of the respondent Nos.1 to 4 in trying to dispossess the petitioners from the subject matter of the land without following due process of law on the premise that the subject matter land is required for erection of electricity poles.

At the time of considering the matter, it is submitted by the learned Assistant Government Pleader for Revenue, representing respondent Nos.1 to 3, that the allegations made in the affidavit in so far as the revenue officials are concerned, are not true. The instructions of the respondent No.3, dated 04.08.2023 placed before this Court also confirms the said aspect. The relevant portion of the instructions reads as follows:

"iii. That, the respondent Nos.1 to 3 have no interest to initiate action either under Act No.09/1977 or under Right to Fair Compensation Transparency in Land Acquisition Rehabilitation & Resettlement Act, 2018 read amended Act No.22/2018 and moreover the respondent authorities have not tried to dispossess the petitioner from the subject matter land."

In view of the above stated position, the apprehension of the petitioners appears to be without any basis. Be that as it may, in the event respondent

Nos.1 to 3 intends to initiate any action in respect of the subject matter property, they shall follow due process of law.

Office to print the name of learned counsel for the respondent No.4.

List the matter after three (03) weeks."

//TRUE COPY//

For

Sd/-N.NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Revenue Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector, Annamayya District.
3. The Tahsildar, Kurabalakota Mandal, Annamayya District.
4. The Chairman and Managing Director, A.P.Transco, Padmavathi Nagar, Thirupathi, (Addressess 1 to 4 by RPAD)
5. One CC to SRI. M VENKATA RAMANA REDDY Advocate [OPUC]
6. One CC to SRI. V R REDDY KOVVURI, Standing Counsel [OPUC]
7. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh. [OUT]
8. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
9. One spare copy.

psk

HIGH COURT

NJSJ

DATED:04/08/2023

LIST AFTER THREE WEEKS

ORDER

WP.No.19654 of 2023

DIRECTION

