

IN THE HIGH COURT OF ANDHRA PRADESH:: AMARAVATHI

HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.20636 OF 2023

Kattipalli Bhavani

... Petitioner

Versus

The State of Andhra Pradesh,

Rep.by its Principal Secretary,

Revenue Department,

A.P.Secretariat, Amaravathi & Others

..... Respondents

Counsel for the petitioner : Mr.P.Narahari Babu

Counsel for the respondents : G.P. for Revenue

ORDER:

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

2. The Writ Petition is filed challenging the Notice dated 12.06.2023 issued by the 4th respondent and to declare the same as illegal, arbitrary etc., and for a consequential direction to set aside the same.

3. The learned counsel for the petitioner submits that the petitioner was granted Ac.5.00 of land in Survey No.124 of S.V.Palem Village pursuant a Resolution of Grampanchayat dated 23.07.1999 as the petitioner was running a School for poor and imparting education to the children. He submits that after obtaining permission from the Grampanchayat, the petitioner made some constructions in the said land and paying the property tax to the Grampanchayat. He also submits that when some third party tried to interfere with the petitioner's possession and enjoyment of the land in question, a suit in O.S.No.267 of 2017 was filed in the Court of the Principal Junior Civil Judge, Kavali and an interim order dated 14.11.2017 was

granted in I.A.No.821 of 2017 and that the same is in force. Be that as it may. The learned counsel for the petitioner while referring to some earlier litigation, further submits that the 2nd respondent issued proceedings dated 01.08.2018 basing on the issues framed by this Court in W.A.No.80/2018 and W.P.No.43236 of 2017, and aggrieved by the same, the petitioner filed a Revision Petition before the 1st respondent and an order to maintain status-quo on possession of the subject matter property was passed on 09.08.2018. He submits that in view of the said interim order, the petitioner is maintaining status-quo and not making any constructions and despite the same, the impugned Notice has been issued. He also submits that in fact the petitioner filed W.P.No.13136 of 2019, when there was an attempt by the respondents to demolish the building of the petitioner, an interim direction was granted on 09.09.2019 by a learned Judge while observing that as the order of status quo passed by the 1st respondent on 09.08.2018, is in existence pending revision, as long as the said order is in force, the respondents are directed not to interfere with the possession of the petitioner over the land in Survey No.124. The learned counsel submits that the 4th respondent issued the Notice only to harass the petitioner at the behest of third parties and it is not sustainable.

4. The learned Assistant Government Pleader for Revenue, on the other hand submits that in view of the Report of the concerned Village Revenue Officer and Mandal Revenue Inspector to the effect that the petitioner is making construction contrary to the order of the 1st respondent dated 09.08.2018, the Notice impugned in the Writ Petition was issued calling

upon the petitioner to submit the relevant material/information viz., Court order/permission enabling the petitioner to proceed with the construction and failing which, proposals for initiating action, would be recommended. He submits that instead of submitting the relevant information as sought for in the Notice, the petitioner got issued a legal Notice dated Nil-06-2023 and even before taking further action pursuant to the said Notice, filed the present Writ Petition only with a view to pre-empt the authorities from proceeding in the matter to the reasons best known to the petitioner. He submits that the Writ Petition, as filed challenging the Notice is not maintainable and therefore, the same is liable to be dismissed.

5. Considered the submissions made and perused the material on record including the Memo dated 09.08.2018(Ex.P8) of the 1st respondent. It is not in dispute that the above said Revision Petition, wherein interim order was granted to maintain status quo in respect of the possession of the land in question until further orders, is in operation/in force. Further, even as per the earlier order in W.P.No.13136 of 2019, the learned Judge while recording the substance of the Order passed on 09.08.2019 observed that as long as the said order in force, the respondents are directed not to interfere with the possession of the petitioner in respect of the land in Survey No.124. Be that as it may. Through the impugned Notice, the petitioner was asked to submit the relevant material viz., Court Order/permission on the basis of which, the petitioner is making constructions in the said Survey No.124. As seen from the said Notice, it would appear that the villagers lodged a complaint in the 'Spandana

Programme' about the constructions stated to have been undertaken by the petitioner. There is no challenge to the impugned Notice that it is without jurisdiction or that the same has been issued with a malafide intention or that the same is contrary to Law, except a bald plea that the 4th respondent is acting in collusion with third parties to harass the petitioner. Therefore, this Court is not inclined to entertain the Writ Petition, more particularly as the petitioner has already submitted her reply to the impugned notice and it is for the 4th respondent to take further action in the matter. Further, as seen from the material on record, in W.P.No.38798 of 2018, the writ petitioner herein was arrayed as respondent No.5, and an interim order(Ex.P10) was granted restraining the writ petitioner herein from making any construction in the subject land. The said writ petition is pending. In the above circumstances, this Court see no reason to grant relief as sought for.

6. Therefore, the Writ Petition is disposed of with a direction to the 4th respondent to consider the objections/reply to the Notice dated 12.06.2023 got submitted by the petitioner and pass appropriate orders thereon in accordance with Law, within a period of four (4) weeks from the date of receipt of a copy of this Order. There shall be no order as to costs. Consequently, miscellaneous applications, pending if any, shall stand closed.

NINALA JAYASURYA, J

Date: 04.09.2023
BLV

HON'BLE SRI JUSTICE NINALA JAYASURYA

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Dt: 04.09.2023

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