

IN THE HIGH COURT OF ANDHRA PRADESH::AMARAVATI

THE HON'BLE SRI JUSTICE B. KRISHNA MOHAN

WRIT PETITION No.2324 of 2023

Between:

Gandi Seetha Ratnam, D/o.Sivudu Naidu,
Aged about 38 years, R/o.D.No.4-11, Suriddipalem,
Akondur, Visakhapatnam, Andhra Pradesh – 531034.

..... Petitioner

And

1. The State of Andhra Pradesh, Rep by its
Principal Secretary Department of Revenue,
Secretariat, Velagapudi, Guntur District.
2. The District Collector of Visakhapatnam.
Visakhapatnam.
3. The Revenue Divisonal Officer, Visakhapatnam Division,
Visakhapatnam.
4. The Mandal Revenue Officer,
Pendurthi Mandal, Visakhapatnam District,
Andhra Pradesh.

..... Respondents

ORDER:

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

2. The grievance of the petitioner is that, the 4th respondent
issued notice under Section 7 of the Andhra Pradesh Land
Encroachment Act, 1905 with respect to the land in an extent of
Ac.0.041 cents in Sy.No.103/15 situated at Chinamushidiwad
Village of Pendurthi Mandal, Visakhapatnam District.

3. The learned counsel for the petitioner submits that, the petitioner was initially given the subject land under regular Patta, dated 17.04.2017 and ever since she has been in possession and enjoyment of the same. While so, suddenly the impugned notice, dated 17.01.2023 has been issued by the 4th respondent treating the petitioner as encroacher to an extent of Ac.0.041 cents in Sy.No.103/15 situated in Chinamushidiwad Village of Pendurthi Mandal, Visakhapatnam District, by classifying it as VAGU. For the purpose of showing her possession, she has filed receipts towards property tax issued by the Grater Visakhapatnam Corporation.

5. On the other hand, the learned Assistant Government Pleader for Revenue submits that, upon instructions, it is a Vagu Poramboku Land (Government Land) and it was erroneously given to the petitioner by the then Tahsildar, Pendurthy. Hence, pursuant to the common order, dated 14.09.2022 in Writ Petition (PIL) Nos.140/2022 & 17 others and W.P.No.152511 of 2010 & 4 others, the 4th respondent issued the impugned notice to the petitioner, as it is a Vagu Poramboku land.

6. In view of the above said facts and circumstances, as there is no dispute with regard to the possession of the petitioner, at this stage, this Court passes an order to maintain

Status-Quo as on today with respect to the subject land subject to outcome of the enquiry Under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905. However, it does not preclude, the 4th respondent to proceed with the proceedings under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905, by giving due opportunity to the petitioner to give an explanation to the said impugned notice. It is open for the respondents to proceed against the subject land for recovery, by following due the procedure, strictly in accordance with law.

Accordingly, the Writ Petition is disposed of. No costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

B. KRISHNA MOHAN, J

01.02.2023
KMS

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