

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION No.2631 of 2023

Rapeti Govind, aged about 60 years,
S/o late Rapeti Appala Naidu, R/o.
Block-B3, Flat No.1018, Vaisakhi
Skyline Apartments, Gitam Medical
College Road, Yendada,
Visakhapatnam, Andhra Pradesh-
530045.

.... Petitioner

Versus

The State of Andhra Pradesh rep. by its
Principal Secretary, Revenue
Department, Secretariat, Velagapudi,
Amaravati, Guntur District and 3
others.

....Respondents

ORDER:

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

2. The grievance of the writ petitioner is that the
respondent authorities are trying to interfere with the
possession and enjoyment of the portion of the land of the
petitioner in an extent of Acres 1.68 cents in Survey No.10/P
and Acres 0.34 cents in Survey No.11/P of Gudilova Village,
Anandapuram Mandal, Visakhapatnam District.

3. The learned counsel for the petitioner submits that the petitioner purchased the total extent of land in an extent of Acers 6.38 cents in Survey Nos.80/1, 80/2 and 80/3 with Patta No.351 situated in Tarluwada Village, Amamdapuram Mandal, Visakhapatnam District under a registered sale deed dated 04.03.2006. Ever since, he has been in possession and enjoyment of the same. While so, the respondents on the pretext that to the extent of the land in an extent of Acers 1.68 cents in Survey No.10/P and Acers 0.34 cents in Survey No.11/P of Anandapuram Mandal, Visakhapatnam District is not forming part of the sale deed and Acers 1.85 cents in Survey No.79/P is also not forming part of the sale deed of the petitioner and as such they are trying to evict the petitioner without following the due process of law.

4. The learned counsel for the petitioner further submits that the total extent of the land covered under the above said sale deed is now in the form of different extents in different survey numbers with sub divisions i.e., Acers 1.85 cents in Survey No.79/P, Acers 2.80 cents in Survey No.80/1, Acers 2.80 cents in Survey No.80/2 and Acers 0.78 cents in Survey No.80/3 of Tarluwada Village, Anandapuram Mandal, Visakhapatnam District, and Acers 1.68 cents in Survey

No.10/P, Acres 0.34 cents in Survey No.11/P of Gudilova Village, Anandapuram Mandal, Visakhapatnam District, for which the sub-divisions are given for different extents. It is the contention of the petitioner's counsel that the subject land covered under the above said sale deed is in replica to the extents, survey numbers and sub-divisions mentioned in the writ prayer, for which he wants to demonstrate before the said respondent authorities concerned.

5. On the other hand, the learned Assistant Government Pleader appearing for the respondents submits that, if the petitioner is in occupation of the portion of the subject land unauthorizedly without any valid title, the respondent authorities would take appropriate action to recover the same.

6. In view of the above said facts and circumstances, the 4th respondent shall not dispossess the petitioner from the extent of Acres 1.68 cents in Survey No.10/P, Acres 0.34 cents in Survey No.11/P of Anandapuram Mandal, Visakhapatnam District and Acres 1.85 cents in Survey No.79/P, Acres 2.80 cents in Survey No.80/1, Acres 2.80 cents in Survey No.80/2 and Acres 0.78 cents in Survey No.80/3 of Tarluvada Village, Anandapuram Mandal,

Visakhapatnam District, except by following the due process of law. However, it is made clear that, the respondent authorities can recover and protect the subject land strictly in accordance with law.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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

JUSTICE B KRISHNA MOHAN

03.02.2023
PGT