

APHC010053952023



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

TUESDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 2751/2023

Between:

1.K MUNI RAJAPPA, W/O. LATE K.VENKATAPPA, AGED ABOUT 62 YEARS, OCCAGRICULTURE, R/O.D.NO.4-3, LAKKUNTA VILLAGE, RAGANIPALLE PANCHAYATH, PUNGANUR MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

1.THE STATE OF AP, REP., BY ITS PRINCIPAL SECRETARY, PANCHAYATHRAJ DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.

2.THE DISTRICT COLLECTOR, CHITTOOR DISTRICT, CHITTOOR.

3.THE REVENUE DIVISIONAL OFFICER, PALAMANER MANDAL, CHITTOOR DISTRICT.

4.THE TAHSILDAR, PUNGANUR MANDAL, CHITTOOR DISTRICT.

5.RAGANIPALLE GRAM PANCHAYATH, REP. BY ITS PANCHAYATH SECRETARY/EXECUTIVE OFFICER, PUNGANUR MANDAL, CHITTOOR DISTRICT

...RESPONDENT(S):

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 particularly on in the nature of Writ of Mandamus declaring the action of the respondents No.4 and 5 in interfering with the petitioner rights over the land belong to me in an extant of Ac.0.40 Cents in Sy.No.82/2, Ac.0.66 Cents in Sy.No.82/6 and Ac.0.30 Cents in Sy.No.82/10 of Lakkunta Village fields, Raganipalle Panchayath, Punganur Mandal, Chittoor District, stating that the same is required for public purpose without putting the petitioner on notice or following due process of law as arbitrary, illegal, and well established legal principles, apart from being violative of fundamental and Constitutional Rights guaranteed to the petitioner under Articles 14, 19, 21 and 300-A of the Constitution of India consequently direct the respondents No.3, and 4 not to interfere with the petitioner rights over the land in an extant of Ac.0.40 Cents in Sy.No.82/2, Ac.0.66 Cents in Sy.No.82/6 and Ac.0.30 Cents in Sy.No.82/10 of Lakkunta Village fields, Raganipalle Panchayath, Punganur Mandal, Chittoor District

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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 No.4 and 5 not to dispossess from the land in an extant of Ac.0.40 Cents in Sy.No.82/2, Ac.0.66 Cents in Sy.No.82/6 and Ac.0.30 Cents in Sy.No.82/10 of Lakkunta Village fields, Raganipalle Panchayath, Punganur Mandal, Chittoor District, without following due process of law, pending disposal of the above Writ Petition.

Counsel for the Petitioner:

1.S PARINEETA

Counsel for the Respondent(S):

- 1.VENKATA REDDY GAJJALA SC FOR ZPP, MPP, AND GRAM PANCHAYAT
- 2.GP FOR REVENUE
- 3.GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following:
ORDER

The grievance of the petitioner is that respondent nos.4 and 5 are interfering with her possession and right over the land in an extent of Ac.0-40 cents in Survey No.82/2, Ac.0-66 cents in Survey No.82/6 and Ac.0-30 cents in Survey No.82/10 of Lakkunta village fields, Raganipalle Panchayat, Punganur Mandal, Chittoor District, without following due process of law, stating that the same is required for public purpose.

2. Heard Ms.S.Parineeta, learned counsel for petitioner, Ms.Naga Chandrika, learned Assistant Government Pleader for Revenue, and Sri Y.Koteswara Rao, learned Standing Counsel for Gram Panchayat.

3. Sri Y.Koteswara Rao, learned Standing counsel, on counter, and Ms.Naga Chandrika, learned Assistant Government Pleader, in one voice contended that the authorities had never interfered with the possession and enjoyment of the petitioner over the subject property and had never tried to evict her therefrom and in case the property is required for any public purpose, they would follow due process of law. The writ petition is meritless and the same deserves dismissal.

4. Ms.S.Parineeta, learned counsel for the petitioner, prayed to record the submissions made by learned counsel for respondents and dispose of the writ petition.

5. It is fairly settled that any person including an encroacher cannot be dispossessed except under due process of law. In view of the submissions made by learned counsel for respondents that the authorities had never interfered with the possession and enjoyment of the petitioner over the subject property, this writ petition can be disposed of.

6. Accordingly, this writ petition is disposed of, directing the respondents not to interfere with the possession and enjoyment of the petitioner over the subject property, except under due process of law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

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