



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

**TUESDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN
WRIT PETITION NO: 6092 OF 2023**

Between:

1. Kunapareddy Venkata Varalakshmi, W/o.Govindaraju, Aged 43 years, R/o.D.No.3-118, Allamvari Meraka, Kummarapurugu Palem (K.P.Palem) Village, Mogalthur Mandal, West Godavari District.
2. Ande Veera Venkata Ramachandrao, S/o.Raghava Rao, Aged 53 years, R/o.D.No.6-3-27, Andey Vari Meraka, Kummarapurugu Palem (K.P.Palem) Village, Mogalthur Mandal, West Godavari District.
3. Andey Hanumantha Rao, S/o.Rama Rao, Aged 49 years, R/o.D.NO.2-154/ 1, Tangellagudem, Kummarapurugu Palem (K.P.Palem) Village, Mogalthur Mandal, West Godavari District.
4. Andey Venkata Raman, S/o.Ranga Rao, Aged 50 years, R/o.D.No.4-2/1, Rangarao Colony, Kummarapurugu Palem (K.P.Palem) Village, Mogalthur Mandal, West Godavari District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, West Godavari District at Bhimavaram.
3. The Sub-Collector, Narsapuram, West Godavari District.
4. The Tahsildar, Mogalthur Mandal, Mogalthur, West Godavari District.
5. The Mandal Parishad Development Officer, (MPDO), Mogalthur Mandal, West Godavari District.

...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 a Writ of Mandamus, or other appropriate writ, order or direction, declaring the action of the respondents 2 to 5 herein intending to create the temporary leasehold rights to 1172 coconut trees in an extent of Ac.293.00 cents situated at unsurvey number covered under Coastal Regulation Zone (CRZ) area of Perupalem and K.P.Palem Village, Mogalthur Mandal, West Godavari District pursuant to the notice dated 27-02-2023 issued by the 4th respondent herein without considering the representation/objections dated 27-12-2022 submitted by the petitioners along with villagers as illegal, arbitrary, unreasonable, without jurisdiction violative of Articles 14, 21 and 300-A of the Constitution of India besides Coastal Regulations Rules and contrary to the provisions of Transfer of Property Act 1882,

IA NO: 1 OF 2023

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the Writ Petition, the High Court may be pleased to grant stay of all further proceedings pursuant to the notice dated 27-02-2023 issued by the 4th respondent herein, Pending disposal of WP 6092 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 P DURGA PRASAD Advocate for the Petitioners, GP FOR REVENUE, for the Respondent Nos.1 to 4, SRI N.SRIHARI, Standing Counsel for the Respondent No.5, The Court made the following.

ORDER:

Heard the counsel for the petitioners and the learned Assistant Government Pleader for Revenue seeks time for getting instructions.

The learned counsel for the petitioners submits that the 4th respondent issued the impugned notice dated 27.02.2023 calling for the applications to take on lease of the 1172 Coconut Trees situated in an extent of Ac. 292 in Sy.No. (unservey) of Perupalem, K.P. Palem Villages, Mogalthuru Mandal, West Godavari District.

The learned Counsel for the petitioner submits that the petitioners grew the said trees in smaller extents by various individuals including the petitioners herein. It is falling under the Coastal Regulation Zone and as such no pattas are granted to the petitioners. But the trees were grown by the petitioners. Hence, the 4th respondent cannot lease out the said Coconut Trees by way of impugned notice dated 27.02.2023.

The petitioners also gave a representation dated 27.12.2022 to the 4th respondent but the same was not acted upon. Instead the 4th respondent proceeded with the impugned notice dated 27.02.2023.

On the other hand, the learned Assistant Government Pleader for Revenue appearing for the respondents submits that the petitioners can also participate pursuant to the impugned notice and can also raise objections by way of another representation to the 4th respondent. However in reply, the learned counsel for the petitioner submits that the issuance of the impugned notice dated 27.02.2023 is itself not justifiable and it is contrary to law. The 4th respondent cannot issue the said notice when the land is admittedly situated in Coastal Regulation Zone.

In view of the above said facts and circumstances, the learned Government Pleader for Revenue shall get instructions from the respondents with respect to the maintainability of the notice dated 27.02.2023 apart from the factual aspects.

It is open for the petitioner to raise objections by way of separate representation to the respondent nos. 2 to 4 within a period of two (2) weeks from the date of receipt of this order and without prejudice to their rights in this Writ Petition, they can also participate pursuant to the impugned notice dated 27.02.2023. The process shall go on by virtue of the impugned notice dated 27.02.2023 but the same shall not be finalized pending further orders.

List on 28.03.2023.

In the meanwhile, the above said instructions and counter shall be filed by the respondents.

Sd/-G.SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, West Godavari District at Bhimavaram.
3. The Sub-Collector, Narsapuram, West Godavari District.
4. The Tahsildar, Mogalthur Mandal, Mogalthur, West Godavari District.
5. The Mandal Parishad Development Officer, (MPDO), Mogalthur Mandal, West Godavari District. **(Addressees 1 to 5 by RPAD)**
6. One CC to SRI. P DURGA PRASAD Advocate [OPUC]
7. One CC to SRI N.SRIHARI, Standing Counsel [OPUC]
8. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
9. One spare copy

PSR

HIGH COURT

BKM,J

DATED:14/03/2023

NOTE: LIST ON 28.03.2023

ORDER

WP.No.6092 of 2023

DIRECTION

