



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

[3330]

WEDNESDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No. 6492/2023

BETWEEN:

1. RAAVI RAMESH BABU, S/o. R.SATYANARAYANA, AGED 56 YEARS, OCC: AGRICULTURIST,
2. RAAVI SEKHAR BABU, AGED 59 YEARS, OCC: SERVICE BOTH ARE R/o. A-BLOCK, KUKUNOOR VILLAGE AND MANDAL, ELURU DISTRICT

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY (IRRIGATION) DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, ELURU DISTRICT AT ELURU.
3. THE SPECIAL DEPUTY COLLECTOR, LAND ACQUISITION, POLAVARAM IRRIGATION PROJECT, RIGHT CANAL-II, ELURU, ELURU DISTRICT.
4. THE SPECIAL COLLECTOR LAND ACQUISITION, POLAVARAM IRRIGATION PROJECT, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT.
5. THE PROJECT ADMINISTRATOR, PIP GUEST HOUSE, DHAVALESWARAM, EAST GODAVARI 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 appropriate Writ, Order or direction more particularly one in the nature of WRIT OF MANDUMUS declaring the action of the respondents No.3 to 5 failed to consider the entire extent ie.1450 Sq.feet of Mangluru Tiled Roof Building constructed with teakwood pertaining to the each petitioner shown in serial No.64 and 339 issued by the 4th respondent through Ref.No.C1/81/2023, DT.04-02-2023 is a residential houses with Assessment Nos.308 and 307 (H.No.2-148 and 2-147), A-Block, Kukunuru Village and Mandal, Eluru District(shown only an extent of 998.25 and Sq.feet and 531.63 Sq. Feet) without considering the petitioner's representation 23-02-2023 as arbitrary, illegal against Art.19, 21 and 300-A of the Constitution of India and consequentially direct the respondents No.2 to 5 to consider the representation of the petitioners 23-02-2023 by conducting re-survey to award compensation for the entire extent Mangluru Tiled Roof houses and to pass such other order or orders.

Counsel for the Petitioner(S):

1.NAGARAJU N

Counsel for the Respondent(S):

1.GP FOR LAND ACQUISITION

2.GP FOR IRRIGATION COMM AREA DEV

The Court made the following:

ORDER:

The Grievance of the petitioners is that their village is under submersion of Polavaram Irrigation Project in cantor level 41.15, A-Block, Kukunuru village and Mandal, presently in Eluru District. They succeeded the house which was constructed by their great grandfather with Mangluru tiled roof building with teakwood. The said house was constructed in an extent of nearly 3000 Sq. feet and both the brothers divided the said house equally and mutated in panchayat through Assessment Nos.308 and 307 respectively and the said houses got door numbers with Door No.2-148 and 2-147 and they filed house tax receipts with affidavit.

2. The petitioners further submitted that the said house was constructed in an extent of nearly 3000 Sq. feet. Each house situated in an extent of more than 1450 Sq. feet. But, the 4th respondent did not take into account the full extent and was unable to physically measure the house. The first petitioner's house is recorded as being 998.25 square feet, while the second petitioner's house measures 531.64 square feet. The Panchayat has assigned door numbers D.No.2-148 and 2-147 to the first and second petitioners, respectively. The houses were built using Manguluru tiles and feature thatched roofs, thatched roof kitchens, and country brick compound walls. Various types of trees are present, including Neem, Coconut, Custard, Guava, Papaya, and

Eucalyptus. But the 4th respondent failed to consider the correct measurements of the houses of the petitioners and the 4th respondent issued primary notification in Form-VII through Ref. No.C1/81/2023 dated 04.02.2023 published in the Newspaper on 16.02.2023 in Serial Nos. 64 and 339 in the publication indicating the houses as structures, while reducing the area of land and not acknowledging the trees located in and around the house. Aggrieved the same, the petitioners have made a representation to the 3rd respondent on 23.02.2023 bringing to his knowledge about the recording of less extent, instead of the original extent of construction of 1450 sq. feet to each of them.

3. It is further submitted that due to non disposal of representation dated 23.02.2023, the present Writ Petition is filed seeking a direction to consider the representation of the petitioners to conduct resurvey and to pay appropriate compensation to the entire extent of Mangluru tiled roof houses.

4. The respondent Nos.1 to 3 have filed their counter affidavit and stated that the objection of the petitioners referred to SE R&B, Eluru vide Lr.No.222/2022(SDT) dated 27.03.2023. The SE R&B inturn has furnished revised valuation proposals of the structures after conducting resurvey of their structures and stated that they are entitled difference amount of Rs.2,02,380 and Rs.1,98,738/- respectively as per revised

compensation and the same will be paid to the petitioners after the award proposals in Forum-IX is approved by the respondent No.4.

5. Learned counsel for the petitioners would argue that the petitioners would receive a more compensation if a proper survey were conducted in their presence. Additionally, it is contend that if the Court does not interfere with the findings of the respondents, more particularly of the 4th respondent, there is a chance of perpetuating illegality. This may affect the petitioners' right to life as guaranteed under Article 21 of the Constitution of India and it constitute a violation of Article 14 of the Constitution of India and placed reliance of the order of this Court in W.P. No. 5311 of 2023 in support of above contention. Wherein, this Court considering the facts and circumstances of the case directed the respondent authorities to dispose of the representation made therein, as expeditiously as possible, strictly in accordance with law, within stipulated time. Therefore, learned counsel appearing for the petitioners requested this Court to pass similar orders in the present Writ Petition.

6. Further submitted that while conducting resurvey no notice was issued to the petitioners herein. Therefore, the survey which was conducted earlier is violation of principles of natural justice. Hence, requested this Court to direct the respondent authorities to conduct survey in the presence of the petitioners herein.

7. The Supreme Court, in numerous cases, has held that it is the constitutional obligation of the State to protect a person's life, liberty, and property, and that the State cannot, without justification, cause loss to a person's property. On the attending facts and circumstances of the case, this Court is inclined to dispose of the present writ petition in terms of W.P. No. 5311 of 2023, dated 03.03.2023. This Court directs the respondents to conduct a resurvey in the presence of the landowners, strictly in accordance with law, as expeditiously as possible, but not later than two months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending in this Writ Petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 26.11.2025

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THE HON'BLE SRI JUSTICE T ARLADA RAJASEKHAR RAO

W.P.No. 6492 OF 2023

Date: 26.11.2025

Harin