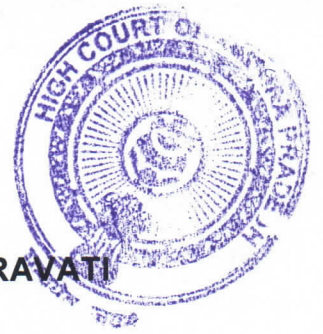




**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(ORIGINAL JURISDICTION)**

**SATURDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR
WRIT PETITION (SR) NO: 14351 OF 2025**

Between:

Thumati Srinivasa Rao, S/o Venkateswarlu, Aged about 50 years, Occupation:
Business, R/o 16-15-972/1, 3rd Street, Sai Nagar, Near Children Park, Nellore,
SPSR Nellore District

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh
2. The District Collector, Tirupati, Tirupati District, Andhra Pradesh.
3. The Revenue Divisional Officer, Gudur Division, Tirupati District, Andhra Pradesh.
4. The Tahsildar, Gudur Mandal, Tirupati, Tirupati District, Andhra Pradesh
5. The Village Revenue Officer, Gudur, Tirupati District, Andhra Pradesh.

...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

- a) Issue a Writ of Mandamus or any other appropriate writ, order, or direction declaring the action of the respondents in demolishing the petitioner's residential property admeasuring 128 square yards bearing Door No. 191-

1 (Old No. 191), Assessment No. 102900694, in Ward No. 3, Survey No. 576-A, High School Area, East Gudur Town, Gudur Municipality and Mandal, Tirupati District, as illegal, arbitrary and unconstitutional, and in violation of Articles 14, 21 and 300-A of the Constitution of India;

- b) Direct the respondents to refrain from interfering with the petitioner's peaceful possession and enjoyment of the said property, without following due process of law;
- c) Award damages of Rs. 15,00,000/- (Rupees Fifteen Lakhs Only) for the illegal demolition of the petitioner's property and the resultant loss and hardship caused to the petitioner;

IA NO: 1 OF 2025

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 pass an interim order restraining the respondents from carrying out any further demolition or dispossession activities in respect of the petitioner's property, Pending disposal of WP (SR) 14351 of 2025, 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 N. Ravi Prasad, Advocate for the Petitioner and of GP for Revenue for the Respondents, the Court made the following

ORDER:

“The petitioner claims that he is the absolute owner and possessor of house property admeasuring an extent of 128 square yards bearing D.No.191-1 (Old No.191) with Assessment No.102900694, situated in Ward No.3, Survey No.576-A, High School Area, East Gudur Town, SPSR Nellore District, having purchased the same by virtue of registered sale deed

dated 30.07.2022 vide document No.7077/2022. It is further case of the petitioner that since the date of purchase, he is in peaceful possession and enjoyment of the said property.

He further contents that, while so, Respondent No.4 without issuing any notice or following the due process of law, started demolition of the house belonging to the petitioner. Questioning the said action of Respondent No.4, the present writ petition is filed.

On the other hand, the learned Assistant Government Pleader for Revenue submits that notice dated 18.03.2025 was issued under Section 7 of Andhra Pradesh Land Encroachment Act, 1905 to the petitioner, but the same could not be served as the petitioner refused to receive. Thereafter, the said notice was served by substitute mode. Subsequently, order dated 07.4.2025 was passed under the said Act, whereby and whereunder directed the petitioner to vacate from the house in dispute. Despite the same, the petitioner did not vacate the building, therefore, they have rightly taken up the demolition of the subject house and further stated that, a portion of the house is already demolished.

The learned Assistant Government Pleader for Revenue placed copies of notice dated 18.03.2025 and Order dated 07.4.2025 issued under the Andhra Pradesh Land Encroachment Act, 1905. Though, it is contended that Respondent No.4 has strictly followed the provisions of Andhra Pradesh Land Encroachment Act, 1905, nothing is placed on record to show that notice was served on the petitioner. Further, on a perusal of order dated 07.04.2025 passed under Section 6 of the Act, it is succinctly clear that there is no reference to the show cause notice, dated 18.03.2025 alleged to have been served on the petitioner. Further, the notice was issued in respect of Survey No.575, whereas the petitioner's property is

situated in survey No.576-A. Therefore, Respondent No.4 without conducting survey came to the conclusion that the subject house is situated in Survey No.575.

In view of the respective submissions made by both the counsels, this Court feels that it is appropriate to direct respondents to maintain *status-quo* existing as on today for a period of four (04) weeks. Further, the learned Assistant Government Pleader for Revenue is directed to inform the same to the concerned.

List the matter after two (02) weeks and in the meanwhile, the respondents are directed to file counter affidavit.”

D. B. M. Rao 12/4/25
COURT OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh
2. The District Collector, Tirupati, Tirupati District, Andhra Pradesh.
3. The Revenue Divisional Officer, Gudur Division, Tirupati District, Andhra Pradesh.
4. The Tahsildar, Gudur Mandal, Tirupati District, Andhra Pradesh
5. The Village Revenue Officer, Gudur, Gudur Mandal, Tirupati District, Andhra Pradesh.
6. One CC to Sri N. Ravi Prasad, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
8. **One spare copy**

rvk

HIGH COURT

TCDS,J

DATED:12/04/2025

LIST THE MATTER AFTER TWO (02) WEEKS

ORDER

WRIT PETITION (SR) NO: 14351 OF 2025

STATUS-QUO

