Date of reserved for orders :
Date of pronouncement :
Date of uploading :

APHC010794732013

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3457]
(Special Original Jurisdiction)

FRIDAY, THE 3rd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 17873/2026

Between:

1. SHIRAM PENTAMMA,, W/O. LATE APPA RAO AGED 57 YEARS, OCC. AGRICULTURE, R/O. D.NO.9-109, PEDDA RUSHIKONDA, VISAKHAPATNAM DISTRICT - 530045.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.522238
2. THE VISAKHAPATNAM URBAN DEVELOPMENT AUTHORITY, REPRESENTED BY ITS VICE CHAIRMAN, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT.530001
3. THE GREATER VISAKHAPATNAM MUNICIPAL CORPORATION, REP. BY ITS COMMISSIONER, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT.530001
4. THE TAHSILDAR, CHINAGADILI RURAL MANDAL, VISAKHAPATNAM DISTRICT. 530001

...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 topleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in forcibly attempting to dispossess the petitioner from the agricultural land to an extent of Ac.0.70 cents in Sy.No.336/P situated at Maduravada Village, Pedda Rushikonda, Visakhapatnam Mandal, Visakhapatnam District as illegal and arbitrary and consequently direct the respondents not to interfere and not dispossess the petitioner from the above lands in question and to pass

IA NO: 1 OF 2026

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 pleased to direct the respondents not to dispossess the petitioner from the agricultural land to an extent of Ac.0.70 cents in Sy.No.336/P situated at Maduravada Village, Pedda Rushikonda, Visakhapatnam Mandal Visakhapatnam District pending disposal of the main writ petition and to pass

Counsel for the Petitioner:

1. PAMARTHI KAMESWARA RAO

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. GP MUNCIPAL ADMN AND URBAN DEV AP

ORDER:

1. The learned counsel appearing for the petitioner submits that the petitioner has inherited the property admeasuring an extent of Ac.0.70 cents in Survey No.336/P of Maduravada Village, Pedda Rushikonda, Visakhapatnam Mandal, which was assigned in favour of the petitioner's father *vide* D-Form Patta No.420/71. It is submitted that the petitioner has inherited the same and is in possession and enjoyment of the same. It is also submitted that one of the conditions imposed in the D-Form Patta is that the land assigned shall be heritable but not transferable. It is submitted that the petitioner has inherited the property and has not creating any third-party rights so as to transfer title over the property in favour of any third party. It is submitted that the property is presently situated amongst a developed area and, as such, the petitioner intends to construct a dwelling unit. At this point of time, it is submitted that the respondents are trying to dispossess the petitioner from the said property.

2. The learned Standing counsel appearing for the 2nd respondent submits that the property devolved upon the petitioner's father by way of assignment was intended only for cultivation and that no other activity is permissible.

3. The learned Standing counsel appearing for respondent No.3 submits that any developmental activity shall be undertaken only after

obtaining the necessary permission from the 3rd respondent. It is submitted that the petitioner has not referred to any such application in the writ petition relating to obtaining permission for construction.

4. Heard the learned Assistant Government Pleader appearing for respondent Nos.2 and 3.

5. The petitioner's possession and enjoyment of the property by virtue of inheritance from his father is evident from the D-Form Patta certificate. It is also not in dispute that the patta was granted about 55 years ago and that, over a period of time, the nature of the surrounding area has undergone considerable development. The possession and enjoyment of the petitioner shall not be disturbed by the respondents except in accordance with law. However, it is made clear that the petitioner shall submit an application before the 3rd respondent seeking the appropriate permission for construction.

6. With these observations, the present writ petition is disposed off. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE HARINATH.N

Date:03.07.2026
NKA

Whether the order is*:*
Speaking YES/NO / Recorded YES/NO
Reportable YES/NO / Non-Reportable YES/NO

12

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 17873 of 2026

Date: 03.07.2026

NKA