



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

[3330]

**THURSDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

**PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No.15167 of 2023

Between:

1. SADHINENI PRAVEEN KUMAR,, S/O. PRABHAKARA RAO, AGED 45 YEARS, R/O. FLAT NO.303, GAYATHRI APARTMENTS, VAZRAGHADA POST, MAKAVARAPALEM MANDAL, ANAKAPALLI DISTRICT. ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.
2. CHITEKALA POTHU RAJU,, S/O. NOOKARAJU, AGED 45 YEARS, R/O. D.NO.2-97, GANGAVARAM VILLAGE, VAZRAGHADA POST, MAKAVARAPALEM MANDAL, ANAKAPALLI DISTRICT. ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY THE PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, ANAKAPALLI COLLECTORATE, ANAKAPALLI DISTRICT, ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.
3. THE DISTRICT REGISTRAR, ANAKAPALLI, ANAKAPALLI DISTRICT, ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.
4. THE JOINT SUB REGISTRAR, NARSIPATNAM, ANAKAPALLI DISTRICT, ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.
5. THE REVENUE DIVISIONAL OFFICER, NARSIPATNAM REVENUE DIVISION, ANAKAPALLI DISTRICT. ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.
6. THE TAHSILDAR, MAKAVARAM MANDAL, ANAKAPALLI DISTRICT.
7. THE VILLAGE REVENUE OFFICER, BURUGUPALEM REVENUE VILLAGE, MAKAVARAM MANDAL, ANAKAPALLI DISTRICT. ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.
8. THE BURUGUPALEM VILLAGE PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY, MAKAVARAM MANDAL, ANAKAPALLI DISTRICT. ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.

9. THE SUB INSPECTOR OF POLICE, MAKAVARAPALEM POLICE STATION, ANAKAPALLI DISTRICT. ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.
10. BOLLAPRAGADA THAMMIRAJU, S/O. LATE SAMBA MURTHY, AGED 72 YEARS, R/O. D.NO.1-30, BURUGUPALEM VILLAGE, MAKAVARAPALEM MANDAL, ANAKAPALLI DISTRICT. ERSTWHILE KNOWN AS VISAKHAPATNAM DISTRICT.
11. BOLLAPRAGADA HARISHANKAR, S/O. TAMMIRAJU, AGED 72 YEARS, R/O. D .NO.1-30, BURUGUPALEM VILLAGE, MAKAVARAPALEM MANDAL, ANAKAPALLI DISTRICT. ERSTWHILE KNOWN AS VISAKHAPATNAM 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 a Writ Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring action of the respondents in interfering with the petitioner house property in Sy.No.43/2 admeasuring to an extent of 341.33 Square yards of Burugupalem Village Panchayat, Makavarapalem Mandal, Anakapalli District., as illegal, arbitrary, unconstitutional and contrary to the law established by this Honble Court and violation of Articles, 14, 16 and 300-A of Constitution of the India and consequently direct the respondents not to interfere with the petitioner house property in Sy.No.43/2 admeasuring to an extent of 341.33 Square yards of Burugupalem Village Panchayat, Makavarapalem Mandal, Anakapalli District., in the interest of justice.

Counsel for the Petitioner(S):

1. NANI BABU ROBBA

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR REVENUE
3. GP FOR REGISTRATION AND STAMPS (AP)
4. N SRIHARI (Standing Counsel for ZPP MPP and GRAM PANCHAYAT)
5. RAJA REDDY KONETI

The Court made the following:

ORDER:

The present Writ Petition is filed seeking direction to the respondents not to interfere with the petitioners' house property in Sy.No.43/2 admeasuring to an extent of 341.33 square yards of Burugupalem Village and Panchayat, Makavarapalem Mandal, Anakapalli District, without following due procedure of law.

2. It is the case of the petitioners that the official respondent Nos.1 to 9 are interfering with the possession of the petitioners at the behest of the unofficial respondent Nos.10 and 11. If there is any dispute in between the petitioners and the unofficial respondents, they are at liberty to approach appropriate authority in accordance with law.

3. In ***Rame Gowda v. M.Varadappa Naidu***,¹ a three-Judge Bench of the Hon'ble Apex Court, while discussing the Indian law on the subject, observed as under:

“..It is thus clear that so far as the Indian law is concerned, the person in peaceful possession is entitled to retain his possession and in order to protect such possession he may even use reasonable force to keep out a trespasser. A rightful owner who has been wrongfully dispossessed of land may retake possession if he can do so peacefully and without the use of unreasonable force. If the trespasser is in settled possession of the property belonging to the rightful owner, the rightful owner shall have to take recourse to law.”

4. In the case of ***Ram Ratan and others Vs. State of Uttar Pradesh***², question cropped up before Hon'ble Supreme Court, with

¹ (2004)1 SCC 769

regard to right of private defence of trespasser against true owner. Their Lordships held that true owner has no right to dispossess the trespasser by use of force, in case trespasser was in possession in full knowledge of the true owner. Observation made by Hon'ble the Supreme Court is reproduced as under:-

"In State of W.B. and others Vs Vishnunarayan and Associates (P) Ltd. and another, reported in (2002) 4 SCC 134, held that State and its executive officers cannot interfere with the rights of others except where their actions are authorized by specific provisions of law."

5. In, ***H.B.Yogalaya Vs. State of U.P. and others***³, the Hon'ble Apex Court held that without any show cause notice or hearing, neither demolition can take place nor a person may be dispossessed from the property, relevant portion is extracted hereunder:

"Otherwise also principles of natural justice demand that a show-cause notice and hearing be given before demolishing or dispossessing a person from the properties of which he is in possession. Counsel appearing for the respondents did not contest this proposition."

"It is well settled that the law requires that the true owner should dispossess the trespasser by taking recourse to the remedies under, the law."

6. In the celebrated case of ***Maneka Gandhi Vs. Union of India***⁴, the Hon'ble Supreme Court upheld the phrase 'no one shall be deprived of one's life and liberty except procedure established by law' as employed in Article 21 of the Constitution of India. The principles of

² (1977) 1 SCC 188

³ (2004) 13 SCC 518

⁴ AIR 1978 SC 25

natural justice demands that the persons who are affected should be heard.

7. Therefore, this Court is of the opinion that the petitioners should not be dispossessed except in accordance with the law, as held in **Rame Gowda's case** (supra-1).

8. Accordingly, the Writ Petition is disposed of, directing the official respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the subject property, except by following due process of law. This order is applicable only to the official respondents. There shall be no order as to costs.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 22.01.2026

Siva/JAK

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.15167 of 2023

Date: 22.01.2026

Siva/JAK