

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.16316, 16999, 17291, 17335, 21257 of 2020, 19431,
22273, 22281 of 2021, 3889 of 2022 and CC.Nos.4939 and 4941 of 2023

+ WRIT PETITION NO: 16316/2020
%27.01.2026

Between:

- 1.THOTA VENKATADRI, S/o.T. Chinna Basavaiah, aged about 71 yaers, R/o.D.No.49-1-35, Beside Sivalayam, Gunadala, Vijayawada, 1st New Assessment No.1073145340, 2nd New Assessment No.1073145339 and others

...PETITIONERs

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION, SECRETARIAT, VELAGAPUDI, AMARAVATI.
- 2.THE DISTRICT COLLECTOR, KRISHNA DISTRICT, MACHILIPATNAM,
- 3.VIJAYAWADA MUNICIPAL CORPORATION, REP BY ITS COMMISSIONER,VIJAYAWADA,
- 4.THE TAHSILDAR, VIJAYAWADA, NORTH,
- 5.THE EXECUTIVE ENGINEER, R AND B DEPARTMENT, VIJAYAWADA, KRIAHNA DISTRICT.
- 6.THE LAND ACQUISITION OFFICERCUMSUBCOLLECTOR, VIJAYAWADA, KRISHNA DISTRICT R6 IS IMPEADED AS PER THE ORDER OF THIS COURT, DT.20.09.2023, VIDE ORDER PASSED IN I.A.2 OF 2023.

...RESPONDENT(S):

Counsel for the Petitioners: VENKATESWARA RAO GUDAPATI

Counsel for Respondents :

- 1.GP FOR REVENUE
- 2.GP FOR MUNCIPAL ADMN URBAN DEV
- 3.S.V.S.S.SIVARAM SC For VMC

<Gist:

>Head Note:

? Cases referred:

1. 2004 (2) ALD 451
2. WP.No.43730 of 2016 and batch, decided on 21.03.2025

This Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.16316, 16999, 17291, 17335, 21257 of 2020, 19431,
22273, 22281 of 2021, 3889 of 2022 and CC.Nos.4939 and 4941 of 2023

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2. THE DISTRICT COLLECTOR, KRISHNA DISTRICT, MACHILIPATNAM,
3. VIJAYAWADA MUNICIPAL CORPORATION, REP BY ITS COMMISSIONER, VIJAYAWADA,
4. THE TAHSILDAR, VIJAYAWADA, NORTH,
5. THE EXECUTIVE ENGINEER, R AND B DEPARTMENT, VIJAYAWADA, KRIAHNA DISTRICT.
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...RESPONDENT(S):

DATE OF COMMON ORDER PRONOUNCED: 27.01.2026

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE HARINATH.N

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No
2. Whether the copies of order may be marked to Law Reporters/Journals? Yes/No
3. Whether Your Lordships wish to see the fair copy of the order? Yes/No

JUSTICE HARINATH.N

APHC010248222020



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

[3457]

TUESDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX
PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.16316, 16999, 17291, 17335, 21257 of 2020, 19431, 22273, 22281 of 2021, 3889 of 2022 and CC.Nos.4939 and 4941 of 2023

WP.No.16316/2020

Between:

Thota Venkatadri

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.VENKATESWARA RAO GUDAPATI

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP FOR MUNICIPAL ADMN URBAN DEV

3.S.V.S.S.SIVARAM SC For VMC

The Court made the following:

WP.No.16999/2020

Between:

Smt. Kota Rajeswari, and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.VINEETH APPASANI

2.VENKAT SAILENDRA G

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP FOR MUNICIPAL ADMN URBAN DEV

3.S.V.S.S.SIVARAM SC For VMC

WP.No.17291/2020

Between:

Sri Kolli Joy Nikhil Raj,

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.VENKATESWARA RAO GUDAPATI

Counsel for the Respondent(S):

1.GP FOR ROADS BUILDINGS

2. GP FOR REVENUE
3. GP FOR MUNICIPAL ADMN URBAN DEV
4. S.V.S.S.SIVARAM SC For VMC

WP.No.17335/2020

Between:

Sri Jetti Satyanarayana

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. VENKATESWARA RAO GUDAPATI

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. GP FOR MUNICIPAL ADMN URBAN DEV
3. S.V.S.S.SIVARAM SC For VMC

WP.No.21257/2020

Between:

Sri Pavuluri Bharadwaj,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. RAMINENI SATISH BABU

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. GP FOR MUNICIPAL ADMN URBAN DEV
3. S.V.S.S.SIVARAM SC For VMC

WP.No.19431/2021

Between:

Sri Vallabhaneni Saroja,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. RAMINENI SATISH BABU

Counsel for the Respondent(S):

1. GP FOR ROADS BUILDINGS
2. GP FOR REVENUE
3. GP FOR MUNICIPAL ADMN URBAN DEV
4. S.V.S.S.SIVARAM SC For VMC

WP.No.22273/2021

Between:

Sri Chelamkuri Nagaraju,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. RAMINENI SATISH BABU

Counsel for the Respondent(S):

- 1.GP FOR ROADS BUILDINGS
- 2.GP FOR REVENUE
- 3.M MANOHAR REDDY (SC FOR MUNC AND MUNC CORP)
- 4.GP FOR MUNICIPAL ADMN URBAN DEV
- 5.S.V.S.S.SIVARAM SC For VMC

WP.No.22281/2021

Between:

Sri Vadrnapu Venkateswara Rao,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

- 1.RAMINENI SATISH BABU

Counsel for the Respondent(S):

- 1.GP FOR REVENUE
- 2.GP FOR MUNICIPAL ADMN URBAN DEV
- 3.S.V.S.S.SIVARAM SC For VMC

WP.No.3889/2022

Between:

Jetti Siva and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

- 1.VENKAT SAILENDRA G

Counsel for the Respondent(S):

- 1.GP FOR REVENUE
- 2.GP FOR MUNICIPAL ADMN URBAN DEV
- 3.S.V.S.S.SIVARAM SC For VMC

CONTEMPT CASE NO: 4939/2023

Between:

Sri Jetti Satyanarayana,

...PETITIONER

AND

Sri Swapnil Dinkar Ias

...CONTEMNOR

Counsel for the Petitioner:

- 1.VENKATESWARA RAO GUDAPATI

Counsel for the Contemnor:

- 1.S.V.S.S.SIVARAM SC For VMC

CONTEMPT CASE No.4941/2023

Between:

Sri Kolli Joy Nikhil Raj,

...PETITIONER

AND

Sri Swapnil Dinkar Ias

...CONTEMNOR

Counsel for the Petitioner:

1.VENKATESWARA RAO GUDAPATI

Counsel for the Contemnor:

1.S.V.S.S.SIVARAM SC For VMC

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION Nos.16316, 16999, 17291, 17335, 21257 of 2020, 19431,
22273, 22281 of 2021, 3889 of 2022 and CC.Nos.4939 and 4941 of 2023

COMMON ORDER:

1. All the petitioners are residents of the Gunadala area, Vijayawada and have filed a batch of writ petitions seeking to declare the proceedings dated 04.07.2023 issued by the respondent authority rejecting the request of the writ petitioners for the grant of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
2. The petitioners are also seeking a direction to the respondent authorities to initiate acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioners are also seeking payment of compensation in terms of Act, 30 of 2013. The learned counsel appearing for the petitioners submits that the petitioners are permanent residents of the Gunadala area in Sy.No.284/4 and that they acquired the property through their ancestors. It is submitted that some of the petitioners' forefathers have been living there for about 100 years or more.
3. It is also submitted that the Gunadala area was originally a Grampanchayat, which was merged into the Vijayawada Municipal Corporation in the year 1981. Thereafter, the petitioners' property was assessed for taxes, and they regularly paid the property tax. Prior to

paying property tax to the Vijayawada Municipal Corporation, the petitioners had been paying it to the Gram Panchayat.

4. As things stood, the respondent corporation intended to acquire the property for the construction of a railway over bridge (ROB), and the petitioners were informed that they were in occupation of government land and required to evict from the said land. The petitioners submitted representations to the respondent authorities, duly informing them that the petitioners are landless poor people residing on the said land and eking out their livelihood by running shops there. Evicting them from their property would deprive the petitioners of their livelihood.
5. It is submitted that the petitioners are not against construction of the ROB, however, the respondents ought to have considered the longstanding possession of the petitioners over the property since time immemorial, the only way the petitioners could be evicted from the said property is by acquiring the property of the petitioners by invoking the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
6. This Court, vide order dated 14.09.2020, directed the respondent authorities to follow due process of law. The primary contention of the learned counsel for the petitioners is that the petitioners are the possessors of the property and residing in the said property since time immemorial. Section 3(n) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,

2013 would define holding of land as the total land held by a person as an owner, occupant or tenant or otherwise. The petitioners claim to have acquired the property from their ancestors, and they are also paying taxes as assessed by the respondent authorities. The petitioners are also issued electricity and municipal water connections, as such, the occupation of land by the petitioners cannot be considered as encroachment or illegal occupation.

7. The learned counsel for the petitioner relies on the judgment of this Court in **LAO-Cum-RDO Vs. Mekala Pandu and others**¹. It is submitted that the encroachers are also entitled to the issuance of a notice, and the respondents are under a moral, legal, and social obligation to follow due process of law in evicting any encroacher.
8. It is also submitted that the petitioners cannot be considered as encroachers on account of the petitioners' continuous, uninterrupted and undisturbed possession and enjoyment of the property for more than the last 100 years. It is submitted that the respondents are obligated to, in essence, follow the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for taking over the property of the petitioners.
9. The respondent No. 3 has filed a detailed counter, and the learned standing counsel for the 3rd respondent vehemently disputes the petitioners' claim of ownership over the property. It is submitted that the

¹ 2004 (2) ALD 451

petitioners have, so far, not produced any title document, deed, or order that entitles them to claim ownership. It is submitted that some of the petitioners claim to have purchased the property by way of an unregistered agreement of sale.

10. It is submitted that the assessment of the property for tax and the payment of the said tax would not confer any valid, legal, or transferable title. So, also, payment of electricity and municipal water bills does not confer any exclusive right of title. It is submitted that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, cannot be invoked for evicting the encroachers.
11. It is also submitted that the respondent authorities, in compliance with the interim orders dated 14.09.2020, have issued notices to all concerned for evicting them. It is also submitted that the necessity for the construction of a railway over bridge was necessitated to ease the growing traffic in Vijayawada. The said project is undertaken in the public interest and for public use.
12. The property occupied by the petitioners is Government poramboke land, and none of the petitioners were granted any patta certificates to claim any legal right over the same. It is also submitted that, on humanitarian grounds, the respondent corporation offered housing to the evacuees.

13. The respondent No.4 has also filed a counter, and the learned Assistant Government Pleader for the state submits that the process of acquisition of land for the construction of the ROB was completed, and an award was passed on 23.02.2015. It is submitted that compensation was paid in accordance with the applicable law to all those eligible property owners whose property was acquired for public purposes.
14. It is submitted that the Government poramboke land in RS.No.248/4 and 248/2 is classified as canal land, and a portion of land in RS.No.247/2, 249 is classified as burial ground and Rivas canal. The petitioners were occupants of these lands, and their occupation of them is highly objectionable.
15. The petitioners have occupied the government land illegally and cannot seek compensation after enjoying the property for all these years without any vested interest. It is submitted that none of the petitioners has the locus to challenge the acts of the respondent authorities in declining to grant government property required for public purposes.
16. The respondent No.5 also filed counter and it is stated in the counter that there were 118 structures which were affected on account of construction of the ROB and out of the 118 structures 114 structures belongs to encroachers, however, the 3rd respondent has vide proceedings dated 10.05.2022 approved allotment of 88 houses to the encroachers in the Government land and 26 houses to the tenants in government land under JNNURM G+3 Housing on payment of

Rs.66,000/- per house as beneficiary and flats were allotted to all those beneficiaries by conducting a lottery. The 5th respondent was called upon to pay an amount of Rs.75,24,000/- in favour of the 3rd respondent. The details of flats allotted as on 12.09.2020 and 04.05.2022 are also furnished. The learned standing counsel for the 3rd respondent also submits that some of the petitioners consented to vacating the property and also accepted the flats.

17. The learned standing counsel for the 3rd respondent places reliance on the judgment of the Division Bench of this Court in **G.Ramunaidu & 72 and others Vs. Principal Secretary Rev Dept 6 and others**². The Division Bench of this Court at para 18 and 19 observed as follows ;

.....18. *The occupants of the lands, who do not have D-form pattas, are also claiming the benefit under Act 30 of 2013 on the ground that they would fall within the meaning of land holders in Section 3(r) of Act 30 of 2013. Section 3(r) of Act 30 of 2013 reads as follows:-*

"Section-3: Definition:

In this Act, unless the context otherwise requires;

(a) to (q)

(r) "land owner" includes any person,

(i) whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or

(ii) any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) or under any other law for the time being in force; or

(iii) who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or

(iv) any person who has been declared as such by an order of the court or Authority;"

19. *A plain reading of this provision will bring within its ambit, only such persons, who are either having dear title to the land or such persons who would be entitled to grant title over the land. In the present case, the persons, who are in occupation of the land, cannot claim, as a matter of right, that they should be granted pattas over the land by the*

² WP.No.43730 of 2016 and batch, decided on 21.03.2025

Government. The language of the provisions cannot be given such an extended meaning.

18. The petitioners filed the rejoinder, disputing the classification of the land as a burial ground, a water body, a Rivas canal, etc. It is reiterated that the petitioners must be considered landowners for the purpose of compensation.
19. Heard the learned counsel for the petitioners, the learned Assistant Government Pleader for the state and the learned Standing Counsel. Perused the material on record.
20. The short point for consideration is whether the petitioners are justified in seeking the relief as prayed for in the writ petitions and whether the respondent authorities are statutorily obligated to acquire the land under occupation of the petitioners and pay compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
21. Most of the petitioners have admittedly stated that they are in occupation of the land, which they have possessed since time immemorial, and that the property was passed on from their fathers and forefathers to them. Some of the petitioners claimed to have purchased the property pursuant to unregistered agreements of sale.
22. The respondents, in their counter, have categorised the land occupied by the petitioners as government poramboke land, and to a certain

extent, the same falls under the Rivas Canal, and a certain extent, is classified as a burial ground.

23. None of the petitioners has filed any title documents to negate the respondents' claim. In the absence of any title document, none of the petitioners and their possession of the property would come within the ambit of Section 3(n) and 3(r) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
24. Section 27 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 makes it amply clear that the Collector, after determining the market value of the land which is sought to be acquired, would also have calculate the total amount of compensation to be paid to the land owner, whose land has been acquired. The Collector is also required to value the assets attached to the land to determine the compensation payable to the landowner.
25. The purpose of enacting the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is to ensure that landowners and affected families are provided with just and fair compensation for land acquired. The Act also ensures that landowners and affected persons become partners in development, leading to improvements in their post-acquisition social and economic status.

26. An encroacher of Government land would remain an encroacher, regardless of whether the encroacher has been in possession of the encroached land for decades. The possession of the said property by the encroacher is neither permissive possession nor legalised. The said possession of land would have to be considered illegal, and illegal encroachers cannot claim equities for the grant of compensation on par with the landowners having valid title and ownership documents. The encroachers of any Government land cannot claim any right, title, interest, lien or any vested interest without regularisation of their encroachment or the Government issuing any pattas in their favour or any other legally valid document which would regularise their encroachment.
27. Insofar as meeting the criteria for taking any action to evict them, the respondents are duty-bound to issue notices prior to taking any such action. In pursuance of the orders of this Court, 14.09.2020, the respondents have issued notices to the petitioners. It is also brought to the notice of the Court that alternate houses were provided to the 114 encroachers whose properties were affected. This measure was purely on humanitarian considerations.
28. Illegal encroachers cannot claim compensation and invoke the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said Act was not introduced in the interest of illegal encroachers. The Act is a beneficial

legislation which ought to be extended to the land owners and property owners, who have a valid title over the same or granted any vested rights under the various enactments or granted any patta rights over the property, including assigned lands or the property owners who are declared as owners by virtue of Court orders.

29. The petitioners' cases do not fall within any of the categories for considering them as landowners, as defined under Section 3(r) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Section 3(n) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, would also not come to the rescue of the petitioners, as none of the petitioners held the land in the capacity of landowners.
30. On these considerations, this Court is of the considered view that the claim of the petitioners seeking compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 cannot be entertained and the petitioners have not made out any case for the grant of any other relief(s).
31. The contempt cases are filed for non-compliance with this Court's directions. As the writ petitions are dismissed, the contempt cases are also dismissed.
32. Accordingly, the writ petitions and the contempt cases are dismissed. No costs.

As a sequel, miscellaneous applications, pending, if any, shall stand closed.

KGM

JUSTICE HARINATH.N

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.16316, 16999, 17291, 17335, 21257 of 2020, 19431, 22273, 22281 of 2021, 3889 of 2022 and CC.Nos.4939 and 4941 of 2023

Dated 27.01.2026

KGM