

[3332]

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

FRIDAY, THE TWENTY THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 2543 OF 2024



Between:

1. Jangam Suresh Babu, S/o. Vasudeva Rao, Aged about 45 years, R/o. Pottepalem, Nellore Rural Mandal, SPSR Nellore District.
2. Boyana Perchalaiah, S/o. Perchalaiah, Aged about 43 years, R/o. D.No.5-62, Pottepalem, Nellore Rural Mandal, SPSR Nellore District.
3. Nerella Venkataramanaiah, S/o. Nerella Perchalaiah, Aged about 40 years, R/o. Harijanawada, Pottepalem, Nellore Rural Mandal, SPSR Nellore District.

...Petitioners

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Irrigation Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, SPSR Nellore District, Nellore.
3. The Superintending Engineer, Irrigation circle, Nellore, SPSR Nellore District.
4. The Executive Engineer, Water Resources Department, Nellore Central Division, Nellore, SPSR Nellore District.
5. The District Panchayat Officer, Panchayat Raj Department, SPSR Nellore District.
6. The Extension Officer, PR and RD, Mandal Prajaparishat, Nellore, SPSR Nellore District.
7. The Panchayat Secretary, Pottepalem Grampanchayat, Nellore Rural Mandal, SPSR Nellore District.

...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 may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring action of the 4th respondent in issuing NOC vide proceedings No. DB/ATO/61M, dt.24.01.2024 for construction of buildings i.e., 1) Grama Sachivalayam, 2) Community Hall, 3) Rythubarosa Kendram, 4) Health Center and 5) Bulk Milk cooling center in an extent of 100 Ankanams in Sy.No.27 of Pottepalem village, Nellore Rural Mandal, SPSR Nellore District, which is on the Penna River Bed as illegal, arbitrary and one without jurisdiction and consequently direct the respondents not to carry out any constructions in an extent of 100 Ankanams in Sy.No.27 of Pottepalem village, Nellore Rural Mandal, SPSR Nellore District by setting aside the proceedings No.DB/ATO/61M, dt.24.01.2024 issued by the 4th respondent;

IA NO: 1 OF 2024

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 direct the respondents not to carry out any constructions in an extent of 100 Ankanams in Sy. No.27 of Pottepalem village, Nellore Rural Mandal, SPSR Nellore District by suspending the proceedings No.DB/ATO/61M, dt. 24.01.2024 issued by the 4th respondent, Pending disposal of WP No. 2543 of 2024, 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 C SUBODH, Advocate for the Petitioner, GP FOR IRRI AND CAD for the Respondent Nos. 1 to 4, GP FOR PANCHAYAT RAJ DEPARTMENT, for the Respondent Nos. 5 to 6, Sri Y.KOTESWARA RAO, STANDING COUNSEL for the Respondent No.7 and the Court made the following;

ORDER:

“It is brought to the notice of this Court that Subject land is irrigation land, which is water body, and the Irrigation Department had

issued No Objection Certification for construction of Grama Sachivalayam, Committee Hall and Rythu Bharosa Kendram. When the subject land is a water body, how no objection certificate was given for construction of buildings. ✓

In view of the above, the respondent no.1-Principal Secretary is directed to enquire into the matter as to how a No Objection Certificate was given for construction of buildings over a land classified as water body, and file counter. ✓

Post on 20.02.2026." ✓

//TRUE COPY//

SD/- M.PRABHAKARA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Irrigation Department, State of Andhra Pradesh Secretariat Buildings, Velagapudi, Amaravathi, Guntur District. (BY SPECIAL MESSENGER) ✓
2. The District Collector, SPSR Nellore District, Nellore. ✓
3. The Superintending Engineer, Irrigation circle, Nellore, SPSR Nellore District. ✓
4. The Executive Engineer, Water Resources Department, Nellore Central Division, Nellore, SPSR Nellore District. ✓
5. The District Panchayat Officer, Panchayat Raj Department, SPSR Nellore District. ✓
6. The Extension Officer, PR and RD, Mandal Prajaparishat, Nellore, SPSR Nellore District. ✓
7. The Panchayat Secretary, Pottepalem Grampanchayat, Nellore Rural Mandal, SPSR Nellore District. (2 to 7 By RPAD) ✓
8. One CC to Sri. C SUBODH, Advocate [OPUC]
9. Two CCs to GP FOR IRRI AND CAD (AP), High Court Of Andhra Pradesh. [OUT]

10. Two CCs to GP FOR PANCHAYAT RAJ DEPARTMENT, High Court Of Andhra Pradesh. [OUT] ✓
11. One CC to Sri Y.KOTESWARA RAO, STANDING COUNSEL [OPUC] ✓
12. One spare copy.

JSS

HIGH COURT

RC, J

DATED:23/01/2026

POST ON 20.02.2026

ORDER

WP.No.2543 of 2024



DIRECTION