



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

[3327]

TUESDAY, THE 23rd DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 2315/2023

Between:

- 1.MALLAPUREDDY RAMAKUMARI, AGED 39 YEARS, R/O 20-75-11, DURGANAGAR, PAYAKARAOPETA, ANAKAPALLI DISTRICT.
- 2.DANDEM PRAHALAD,, S/O ADIRAJU, AGED ABOUT 45 YEARS, R/O DURGANAGAR, PAYAKARAOPETA, ANAKAPALLI DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT BUILDING, SECRETARY, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, REP. BY ITS PRINCIPAL SECRETARY.
- 2.THE DISTRICT COLLECTOR, (PANCHAYAT WING), ANAKAPALLI DISTRICT.
- 3.THE DISTRICT PANCHAYAT OFFICER, ANAKAPALLI, ANAKAPALLI DISTRICT.
- 4.THE PAYAKARAOPETA GRAM PANCHAYAT, , PAYAKARAOPETA, ANAKAPALLI DISTRICT, REP. BY ITS SECRETARY.
- 5.AKULA DURGA PRASAD, S/O VENKATESWARLU, AGED ABOUT 35 YEARS, R/O DURGANAGAR, PAYAKARAOPETA, ANAKAPALLI DISTRICT.
- 6.MATTA PARVATHI, W/O MATTA GOVINDA RAJU, AGED ABOUT 55 YEARS, R/O DURGANAGAR, PAYAKARAOPETA, ANAKAPALLI

DISTRICT.

7.KOMMIREDDY NAGESWARA RAO, S/O SOMA RAJU, AGED ABOUT 50 YEARS, R/O DURGANAGAR, PAYAKARAOPETA, ANAKAPALLI DISTRICT.

8.PERICHARLA PADMAVATI, W/O LATE SURYA NARAYANA RAJU, AGED ABOUT 60 YEARS, R/O DURGANAGAR, PAYAKARAOPETA, ANAKAPALLI DISTRICT.

9.GADDAM LAKSHMI, W/O LATE KRISHNA, AGED ABOUT 60 YEARS, R/O DURGANAGAR, PAYAKARAOPETA, ANAKAPALLI 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 a direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents Nos. 2 to 4 in not removing the illegal projection / encroachments on the public road made by the respondent Nos.5 to 9 in Durga Nagar, Payakaraopeta Village and Mandal, Anakapalli District, is highly illegal, arbitrary, unconstitutional, violation of Articles 14 and 21 of the Constitution of India and contrary to Sec.98 of Andhra Pradesh Panchayat Raj Act, 1994 and Rules made thereunder in G.O.Ms.No.555 Panchayat Raj and Rural Development (Rules) 3.12.1999 and consequently direct the respondents Nos. 2 to 4 to remove the illegal projection / encroachments on the public road made by the respondent Nos.5 to 9 in Durga Nagar, Payakaraopeta Village and Mandal, Anakapalli District and to pass

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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 Nos. 2 to 4 to remove the illegal projection / encroachments on the public road made by the respondent Nos.5 to 9 in Durga Nagar, Payakaraopeta Village and Mandal, Anakapalli District in terms of section 98 of A.P. Panchayat Raj Act, 1994 and G.O.Ms.No.555, Panchayat Raj and Rural Development (Rules), dated 3.12.1999 pending disposal of the writ petition and to pass

Counsel for the Petitioner(S):

1.V V N NARAYANA RAO

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.N SRIHARI (Standing Counsel for ZPP MPP and GRAM PANCHAYAT)

The Court made the following:**ORDER:-**

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following prayer:

“...to issue a writ, order or a direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents Nos. 2 to 4 in not removing the illegal projection / encroachments on the public road made by the respondent Nos.5 to 9 in Durga Nagar, Payakaraopeta Village and Mandal, Anakapalli District, is highly illegal, arbitrary, unconstitutional, violation of Articles 14 and 21 of the Constitution of India and contrary to Sec.98 of Andhra Pradesh Panchayat Raj Act, 1994 and Rules made thereunder in G.O.Ms.No.555 Panchayat Raj and Rural Development (Rules) 3.12.1999 and consequently direct the respondents Nos. 2 to 4 to remove the illegal projection / encroachments on the public road made by the respondent Nos.5 to 9 in Durga Nagar, Payakaraopeta Village and Mandal, Anakapalli District and to pass...”

2. The petitioners are the residents of Durganagar, Payakaraopeta Village & Mandal, Anakapalli District. Their residential buildings are situated in a

street after the houses of respondent Nos.5 to 9, and the said street leads to the Offices of MPDO, MRO, MEO, Agricultural, BC Welfare Hostel and Dr. B.R.Ambedkar Park. The said street, which was formed with a 36 ft road, has been utilized by the general public including the petitioners to reach their houses and the said offices. While so, the unofficial respondent Nos.5 to 9, without any manner of right or permission, constructed houses, walls, steps and septic tanks on the public road, preventing the petitioners, in particular, and the public, in general, from reaching their houses as well as the Government offices, thereby causing huge traffic chaos. Thereafter, the petitioners, along with other residents of the locality, approached respondent Nos.2 to 4 to remove the obstructions on the public road and also made a representation dated 12.12.2022 to respondent No.2 in Spandana Programme. Pursuant to the same, respondent No.4 with the assistance of Mandal Surveyor, measured the illegal constructions on the public road and identified them for removal. Thereafter, no action has been taken by the respondents, more particularly respondent No.4, for obvious reasons. Aggrieved thereby, the present Writ Petition has been filed.

3. On the other hand, the respondent No.4 filed counter-affidavit. A perusal of the counter-affidavit shows that, for the last several decades, there was a 22 feet road, including a drain, existing and the same would lead from NH-5 to Polavaram canal, but there was no 36 feet road formed long back as alleged by the petitioner. On 11.11.2022, the Gram Panchayat passed

Resolution No.92 to construct a new drain canal by removing the existing canal, which was in a dilapidated stage. As per the said resolution, the Gram Panchayat removed the earlier drain canal and constructed a new drain canal by removing the steps and ramps which were constructed by the unofficial respondents herein.

4. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing on behalf of the respondents.

5. The learned counsel for the petitioners, while reiterating the averments made in the reply-affidavit, confined his arguments to the extent of directing the authorities to dispose of the representation dated 21.12.2022 made by the petitioners before the respondent Nos.2 to 4 stating that no orders have been passed on the said representation till date.

6. In view of the submission made by the learned counsel for the petitioners and without going into the merits of the case, the respondent Nos.2 to 4 are directed to pass appropriate orders on the representation dated 21.12.2022 made by the petitioners herein, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

(Contd...)

As a sequel thereto, the miscellaneous applications, if any, pending in the Writ Petition shall stand closed.

JUSTICE K.SREENIVASA REDDY

Date: 23.06.2026

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HON'BLE SRI JUSTICE K.SREENIVASA REDDY

Writ Petition No.2315 of 2023

Date: 23.06.2026

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