



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

[3331]

FRIDAY, THE THIRTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 4015/2026

Between:

1.DADHIBATHINA THIRUPALAMMA, W/O. GURUVA REDDY AGED ABOUT 76 YEARS, OCC HOUSEHOLD, R/O. VINJAMUR VILLAGE AND MANDAL, SPSR NELLORE DISTRICT - 524228.

...PETITIONER

AND

1.THE STATE OF AP, REP.BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238.

2.THE DISTRICT COLLECTOR, (PANCHAYAT WING), SPSR NELLORE DISTRICT AT NELLORE - 524001.

3.THE DISTRICT PANCHAYAT OFFICER, SPSR NELLORE DISTRICT AT NELLORE - 524001.

4.THE DIVISIONAL PANCHAYAT OFFICER, ATMAKUR DIVISION, SPSR NELLORE DISTRICT - 524322.

5.THE TAHSILDAR, VINJAMUR MANDAL, SPSR NELLORE DISTRICT - 524228.

6.VINJAMUR GRAM PANCHAYAT, REP. BY ITS EXECUTIVE AUTHORITY-CUM-PANCHAYAT SECRETARY, VINJAMUR MANDAL, SPSR NELLORE DISTRICT - 524228.

7.THE SUPERINTENDENT OF POLICE, SPSR NELLORE DISTRICT AT

NELLORE - 524001.

8.THE STATION HOUSE OFFICER, VINJAMUR POLICE STATION,
SPSR NELLORE DISTRICT - 524228.

9.PULICHERLA VENKATA NARAYANA REDDY, S/O. PULICHERLA
VENKAT REDDY, AGED ABOUT 64 YEARS, R/O. VINJAMUR
VILLAGE AND MANDAL, SPSR NELLORE DISTRICT - 524228.

...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 the inaction of Respondents, more particularly Respondent No. 2 to 8 in taking any steps on my representation dated 21.01.2026, submitted for immediate action against the unauthorized construction being carried on by the 9th Respondent in respect of my property admeasuring Ac. 0.03 cents, covered by Sy. No. 791-4 of Vinjamur Village, Vinjamur Mandal, SPSR Nellore District, without obtaining any permission or approved plan for such construction from the 6th Respondent, is illegal, arbitrary exercise of power, violative of principles of natural justice, in violation of the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and the rules framed thereunder, violative of Article 14, 21 and 300A of the Constitution of India, and for a consequential direction to the respondents for removing the already constructed portion thereof, and also to stop the illegal and unauthorized cutting of branches of the 50-100 year old trees in the said property, and 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 may be pleased to direct the Respondents, particularly Respondent No's 2 to 8 to consider my Representation dated 21.01.2026 and initiate necessary steps and consequently direct the Respondent No's 2 to 8 to prevent the illegal and for removing the already constructed portion thereof, and also to stop the illegal and unauthorized cutting of branches of the 50-100 year old trees in my landed property admeasuring Ac. 0.03 cents covered by Sy. No. 791-4 of Vinjamur Village, Vinjamur Mandal of SPSR Nellore District, pending disposal of the main Writ Petition and to pass

Counsel for the Petitioner:

1.M S S SWAYAM PRAKASH BABU

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.POLOTHI ABHINAV KRISHNA YADAV

3.GP FOR HOME

4.GP FOR REVENUE

The Court made the following:

:: ORDER ::

The above writ petition was filed to declare the action of respondents 2 to 8 in not taking any steps upon the representation dated 21.01.2026, made by the petitioner regarding the unauthorized construction carried out by respondent No.9 in an extent of Ac.0.03 cents in Sy.No.791-4 of Vinjamur Village and Mandal, SPSR Nellore District, without obtaining permission from respondent No.6 – Gram Panchayat, as illegal and arbitrary.

2. Heard Sri M.S.S. Swayam Prakash Babu, learned counsel for the petitioner; Ms. Naga Chandrika, learned Assistant Government Pleader for Panchayat Raj appeared for respondents 1 to 4; Ms. P. Usha, learned Assistant Government Pleader for Revenue appeared for respondent No.5 and Sri Hruthik, learned counsel representing Sri M. Sudhir, learned Standing Counsel appeared for respondent No.6; learned Assistant Government Pleader for Home appeared for respondents 7 & 8 and Sri P. Abhinav Krishna Yadav, learned counsel appeared for respondent No.9.

3. Learned counsel for the petitioner would submit that the petitioner is the absolute owner and possessor of an extent of Ac.0.03 cents in Sy.No.791-4 of Vinjamur Village and Mandal, SPSR Nellore District. The said property is the ancestral property. Respondent No.9 trespassed upon the petitioner's property and started illegal construction. Hence, the petitioner made a

representation dated 21.01.2026, to all the respondents. However, the respondents 5 & 6 failed to initiate any action.

4. The writ petition was listed on 12.02.2026. Sri Hruthik, learned counsel representing Sri M. Sudhir, learned counsel appearing for respondent No.6 submitted the instructions of Panchayat Secretary of respondent No.6 and submitted that permission to construct a building in Sy.No.791-4, was granted in favour of respondent No.9 *vide* B.A.No.48/2025-2026, dated 11.02.2026, in pursuance of the Gram Panchayat resolution No.293(6), dated 17.01.2026. Learned counsel also submitted that an extent of Ac.0.09 cents in Sy.No.791-4 is classified as 'Patta land'. The petitioner is having Ac.0.03 cents, and respondent No.9 is having Ac.0.06 cents. Respondent No.9 applied for the construction of a shed on 21.01.2026 in his extent of land, and thereafter, the Gram Panchayat granted permission. The respondent No.9 is constructing a shed in Ac.0.06 cents, but not in the petitioner's land.

5. In reply, learned counsel for the petitioner would submit that there is no demarcation of the extents. Respondent No.9, in the guise of permission, is making construction in the petitioner's land.

6. Whether respondent No.9 is making construction by encroaching upon the petitioner's land is a serious disputed question of fact, which will not be adjudicated in the writ petition filed under Article 226 of the Constitution of India.

7. It is a settled position of law that disputes regarding the possession of immovable property cannot be effectively reserved summary proceedings under Article 226 of Indian Constitution, on the basis of affidavit and counter affidavit without tendering witness for cross examination. In **Sohan Lal vs. Union of India**¹, Apex Court observed as under;

¹ 1957 SCR 738

“We do not propose to enquire into the merits of the rival claims of title to the property in dispute set up by the appellant and Jagan Nath. If we were to do so, we would be entering into a field of investigation which is more appropriate for a Civil Court in a properly constituted suit to do rather than for a Court exercising by issuing writs. There are questions of fact and law which are in dispute requiring determination before the respective claims of the parties to this appeal can be decided. Before the property in dispute can be restored to Jagan Nath it will be necessary to declare that he had title in that property and was entitled to recover possession of it. This would in effect amount to passing a decree in his favour. In the circumstances to be mentioned hereafter, it is a matter for serious consideration whether in proceedings under Article 226 of the Constitution such declaration ought to be made and restoration of the property to Jagan Nath be ordered.....”

8. In **Smt. Parvatibai Subhanrao vs. Anwarali Hasanali Makani**², Apex Court held that the Court ordinarily will not determine the title over the immovable property under Article 226 of the Constitution of India. In cases relating to immovable properties which are governed by the ordinary civil law, the High Court should not exercise its special jurisdiction under the Constitution unless the circumstances are exceptional.

9. In **Mohan Pandey And Another vs. Smt. Usha Rani Rajgaria And Others**³, Apex Court observed as under;

“A regular suit is the appropriate remedy for settlement of disputes relating to property rights and the remedy under it, is not available except where violation of some statutory duty on the part of a statutory authority is alleged. High Court cannot allow its constitutional jurisdiction to be used for deciding disputes, for which remedies, under the general law, civil or criminal, are available. It is not intended to replace the ordinary remedies by way of a suit or application available to a litigant. The jurisdiction under Article 226 of the Constitution being special and extraordinary, it should not be exercised casually or lightly.”

10. In the case at hand, the Panchayat Secretary-respondent No.6 granted permission to respondent No.9 to construct a structure. If the respondent No.9

² 1992 (1) SCC 414

³ 1992 (4) SCC 61

is making construction by encroaching upon the petitioner's land as alleged, the petitioner has to approach the jurisdictional civil court. This Court does not find any merit in the writ petition, and the same is liable to be dismissed.

11. Given the facts and circumstances of the case, the Writ Petition is dismissed. However, this order will not preclude the petitioner from approaching the appropriate forum for redressal of her grievance. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 13.02.2026

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THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

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