



**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: 4223/2026

Between:

1. VELAMARTHI BALU, S/O. VENKAIAH, AGED ABOUT 32 YEARS, R/O. D.NO.3-43/1 VENKATADRI NAGAR, GANNAVARAM MANDAL, KRISHNA DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, THROUGH THE PRINCIPAL SECRETARY, DEPARTMENT OF PANCHAYATI RAJ AND RURAL DEVELOPMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522238.
2. THE DISTRICT COLLECTOR, KRISHNA DISTRICT, CHILAKALAPUDI, MACHILIPATNAM-521002.
3. THE DISTRICT PANCHAYATI OFFICER, KRISHNA DISTRICT, CHILAKALAPUDI, MACHILIPATNAM-521002.
4. MUSTABAD GRAM PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY, MUSTABAD, KRISHNA DISTRICT-521107.

...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 on appropriate Writ, Order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the Respondents under urgent notice bearing ROC.NO.122 of 2025 dt 06-02-2026 issued by the 4th Respondent calling upon the petitioner to remove the structures

situated in RS.No.448 of Mustabad Gram Panchayat Gannavaram Mandal, Krishna District without issuing any show cause notice is arbitrary, illegal and violative of principles of nature justice and fair play and apart from violation of fundamental rights guaranteed under Articles 14, 21 and 300-A of the Constitution of India and consequently set aside the same and pass

IA NO: 1 OF 2026

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 grant stay of all further proceedings including demolition of the petitioner's residential house situated in RS.No.448 of Mustabad village, Gannavaram Mandal, Krishna District, pending disposal of the above writ petition in this Hon'ble Court and pass

Counsel for the Petitioner:

- 1.SAI GANGADHAR CHAMARTY

Counsel for the Respondent(S):

- 1.GP FOR PANCHAYAT RAJ RURAL DEV
- 2.GP FOR REVENUE

The Court made the following:

:: ORDER ::

Impugning the notice *vide* R.C.No.122 of 2025, dated 06.02.2026, issued by the Panchayat Secretary-respondent No.4, the above writ petition was filed.

2. Heard Sri Sai Gangadhar Chamarty, learned counsel for petitioner, Ms.Naga Chandrika, learned Assistant Government Pleader for Panchayat Raj and Rural Development, appeared for respondents 1 and 3, Sri Sanjeev Rao, learned Assistant Government Pleader for Revenue, appeared for respondent No.2 and Sri Chaitanya, learned counsel representing

Sri Y.Koteswara Rao, learned Standing Counsel, appeared for respondent No.4.

3. Sri Sai Gangadhar Chamarty, learned counsel for the petitioner, would submit that Ex.P-1, though it was styled as an urgent notice, is in the form of an order. No show-cause notice was served on the petitioner before issuing Ex.P-1. Learned counsel would further submit that Ex.P-1 violates the Principles of Natural Justice.

4. Sri Chaitanya, learned counsel appearing for respondent No.4, on instructions, submits that the urgent notice (Ex.P-1) be treated as a show-cause notice. If the petitioner submits an explanation, the respondent No.4 will consider the same and pass appropriate orders, duly affording an opportunity of personal hearing to the petitioner.

5. A perusal of Ex.P-1, though it is styled as an urgent notice, as rightly contended by learned counsel for the petitioner, it is an order. It doesn't contain the details of the survey, if any, said to have been conducted to identify the alleged encroachments made by the petitioner. In fact, no show-cause notice was issued calling upon the petitioner to submit an explanation, if any.

6. Given the facts and circumstances of the case, the present Writ Petition is disposed of at the admission stage, with the following directions:

(a) The urgent notice (Ex.P-1) shall be treated as a show-cause notice. The petitioner shall submit an explanation, along with all the relevant

documents, within a period of fifteen (15) days from the date of receipt of a copy of this order.

(b) Thereafter, the Panchayat Secretary-respondent No.4 shall conduct an inquiry by providing an opportunity of personal hearing to the petitioner and pass a reasoned order, strictly as per the law.

(c) Till an order is passed, the respondent No.4 shall not take any coercive steps regarding the house constructed by the petitioner in R.S.No.448 of Mustabad Village, Gannavaram Mandal, Krishna District.

There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 13.02.2026
KBN

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THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.4223 OF 2026

Date: 13.02.2026
KBN