



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

[3233]

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 4163/2026

Between:

1.M.NAGARAJA BABU,, S/O M. SAMBAIAH AGED ABOUT 63 YEARS,
OCC. AGRICULTURE, R/O.D.NO.5-17-8, BEJJAM RATNAM VARI
STREET, ITHANAGAR, TENALI TOWN, GUNTUR DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL
SECRETARY REVENUE DEPARTMENT, SECRETARIAT
BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
522503

2.THE DISTRICT COLLECTOR, BAPATLA DISTRICT BAPATLA.
522101.

3.THE REVENUE DIVISIONAL OFFICER, REPALLE REVENUE
DIVISION, BAPATIA DISTRICT. 522201.

4.THE TAHSILDAR, TSUNDURU MANDAL, BAPATLA DISTRICT.
522318.

5.THE GRAM PANCHAYAT, KARUMURI VARI PALEM, REP., BY ITS
VILLAGE SECRETARY, TSUNDURU MANDAL BAPATIA DISTRICT.
522318

...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 topleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the Notice in R.C.No.02/2026, dated 28.01.2026 issued by the respondent No.6 calling upon me to vacate the land in an extent of Ac.3.50 cents out of Ac. 10.25 cents in Sy.No 642/1, Karumurivari Palem, Chunduru, Bapatia District, without even calling for explanation or giving an opportunity of hearing and adhering to due process of law as arbitrary, illegally, colourable exercise of power and contrary to the well established legal principles, apart from being violative of the fundamental and the Constitutional rights guaranteed to me under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently setaside the Notice in R.C.No.02/2026, dated 28.01.2026 issued by the respondent No.6 without following due process of law 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 in pursuance of the Notice in R.C.No.02/2026, dated 28.01.2026 issued by the respondent No.6, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.V R REDDY KOVVURI

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following Order:

Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue appearing for the respondent Nos.1 to 4 and the learned Standing Counsel for the 5th respondent.

2. This writ petition is filed questioning the notice issued by the 5th respondent dated 28.01.2026 directing the petitioner along with two others i.e., Sri Vajrala Krishna Reddy S/o Achi Reddy and Sri Vajrala Raghunadha Reddy S/o Achi Reddy, Karumuruvaripalem Village alleging that they have occupied the Sy.No.642 to an extent of Ac.10-25 cents of Tank land by evicting the same within 14 days from the date of receipt of the said notice by referring Andhra Pradesh Panchayat Raj Act, 1994 and the provisions of G.O.Ms.No.188 PR&RD(PTS-1) Department dated 21.07.2011 Rule No.4 and the orders of the High Court in W.P.(PIL)No.224 of 2025.

3. The learned counsel for the petitioner submits that even as per the orders of the Division Bench of this Hon'ble Court in the above said PIL case, for removal of encroachments if any in the Grampanchayat land there shall be an enquiry conducted by the authorities concerned by issuing the notice and providing opportunity of hearing to the unauthorized occupants/encroachers in terms of the prescribed procedure and the Rules of 2011. But the same is not followed in this case and the 5th respondent straightaway directs the petitioner to vacate the subject land on the ground that it is a tank land.

4. On the other hand, the learned Assistant Government Pleader appearing for the respondent Nos.1 to 4 submits that the petitioner can submit his explanation to the above said notice and if so, the enquiry will be conducted by the 5th respondent, following the due procedure.

5. In view of the above said facts and circumstances, the petitioner is permitted to submit his explanation, enclosing all the necessary documents in support of his claim to the above said notice of the 5th respondent dated 28.01.2026 within a period of four (04) weeks from the date of receipt of this order. On receipt of such explanation from the petitioner, the 5th respondent shall proceed with the necessary enquiry strictly in accordance with law by hearing all the parties concerned including the petitioner, giving due opportunity. Upon verification of the records and the subject land, appropriate decision shall be taken on its own merits as expeditiously as possible preferably within a period of three (03) months thereafter. Pending the above said enquiry, there shall not be any coercive action with respect to the extent of the petitioner only as detailed in the above said notice of the 5th respondent dated 28.01.2026. It is made clear that the impugned notice of the 5th respondent dated 28.01.2026 shall be treated as only notice for the purpose of the above said enquiry.

6. Accordingly, this Writ Petition is disposed of. Interim order if any deemed to have been vacated. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE B. KRISHNA MOHAN

12.02.2026
PGT