

[ 3330 ]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY

THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

IA No. 1 OF 2026

IN

WP NO: 4593 OF 2026

**Between:**

Mr. Kolluri Venkata Nagendra Kumar, S/o. Kasi Viswanatham, Aged about 66 Years, R/o. H No. 6-51, Main Road, Ganapavaram (V AND M), West Godavari District, AP-534198.

...Petitioner

**AND**

1. The State of Andhra Pradesh, Rep. by it's Special Chief Secretary, Roads AND Buildings Department, Secretariat Amaravati, Andhra Pradesh.
2. The District Collector, West Godavari District. 534202
3. The Deputy Executive Engineer, Roads AND Buildings Dept., Sub-Division No. II, Bhimavaram.
4. The Mandal Revenue Officer, Akiveedu Mandal, West Godavari District. 534235
5. The Panchayat Secretary, Pedakapavaram Village Panchayat. Akiveedu Mandal, West Godavari District 534235

...Respondents

**Counsel for the Petitioner : SRI PRUDVI RAJU MUDUNURI**

**Counsel for the Respondent Nos.1 & 3 : GP FOR ROADS BUILDINGS**

**Counsel for the Respondent Nos.2 & 4 : GP FOR REVNUUE**

**Counsel for the Respondent No.5 : Sri Y.Koteswara Rao, Standing Counsel**

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 pass an interim stay against the action of the Respondent No.3 in constructing the Road on his property, Pending disposal of WP No. 4593 of 2026, on the file of the High Court.

The court, while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

## **ORDER**

It is narrated in the writ petition that the petitioner is the absolute owner and possessor of the Aqua culture land property in a total extent of Ac.5-34 cents situated at RS No.819/3 and RS No.845/3 in Pedakapavaram village, Akiveedu Sub Division and Mandal, West Godavari District. The petitioner got the said property by virtue of registered partition deed dated 02.02.2022 *vide* Doc No.391 of 2022 registered in the office of the Joint Sub Registrar at Ganapavaram.

The respondent authorities are tried to lay road in the property belongs to petitioner without acquisition and paying of compensation.

Learned counsel for the respondents relied upon the judgment reported in 2024 SCC online SC 3210.

The Hon'ble Supreme Court enumerated certain guidelines which was extracted here under:

***30. Before acting in pursuance of a road widening project, the State or its instrumentalities must:***

***(i) Ascertain the existing width of the road in terms of official records/maps;***

***(ii) Carry out a survey/demarcation to ascertain whether there is any encroachment on the existing road with reference to the existing records/maps;***

***(iii) If an encroachment is found, issue a proper, written notice to the encroachers to remove the encroachment;***

***(iv) In the event that the notice raises an objection with regard to the correctness or the validity of the notice, decide the objection by a speaking order in due compliance with the principles of natural justice:***

***(v) If the objection is rejected, furnish reasonable notice to the person against whom adverse action is proposed and upon the failure of the person concerned to act, proceed in accordance with law, to remove the encroachment unless restrained by an order of the competent authority or court; and***

***(vi) If the existing width of road including the State land adjoining the road is not sufficient to accommodate the widening of the road, steps must be taken by the State to acquire the land in accordance with law before undertaking the road widening exercise.***

**It is very settled law, even if any encroachment of the property, there should be an eviction from the land in accordance with law. Admittedly no notice was issued.**

**There shall be an interim stay for a period of eight (08) weeks.**

**//TRUE COPY//**

**Sd/-K.KASIRAO ACHARI  
ASSISTANT REGISTRAR**

  
**SECTION OFFICER**

To,

1. The Special Chief Secretary, Roads AND Buildings Department, State of Andhra Pradesh, Secretariat Amaravati, Andhra Pradesh.
2. The District Collector, West Godavari District. 534202
3. The Deputy Executive Engineer, Roads AND Buildings Dept., Sub-Division No. II, Bhimavaram.
4. The Mandal Revenue Officer, Akiveedu Mandal, West Godavari District. 534235
5. The Panchayat Secretary, Pedakapavaram Village Panchayat. Akiveedu Mandal, West Godavari District 534235(1 to 5 By RPAD)
6. One CC to SRI. PRUDVI RAJU MUDUNURI Advocate [OPUC]
7. One CC to Sri Y.Koteswara Rao, Standing Counsel [OPUC]
8. Two CCs to GP FOR ROADS BUILDINGS ,High Court Of Andhra Pradesh. [OUT]
9. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
10. **One spare copy**

ksr

**HIGH COURT**

**TRR, J**

**DATED:17/02/2026**

**List the matter after four (04) weeks, enabling the respondents to file their counters**

**ORDER**

**IA NO.1 OF 2026**

**IN**

**WP.No.4593 of 2026**

**INTERIM STAY**

