

[3552]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE ELEVENTH DAY OF MARCH,

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI DHIRAJ SINGH THAKUR

AND

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WP(PIL) NO: 42 OF 2026

Between:

Sri Nelluri Brahmendra Kumar, S/o Sri Venkata Rao, Aged 43 years,
Occ: Agriculturist, R/o D.No. 3-3, Water Plant Street, Dondapadu
Village, Thulluru Mandal, Guntur District, Andhra Pradesh-522237,
Aadhar No.3851 3194 3026, Pan No.ANEPN9525G, Phone
No.8121115115, Email-brahmendrakumarnelluri@gmail.com.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District Andhra Pradesh-522238.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration And Urban Development Department, Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh-522238.
3. The State of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation and Water Resources Department Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh-522238.
4. The District Collector & District Magistrate, Guntur District, Guntur, Andhra Pradesh-522002.
5. The Joint Collector, Guntur District, Guntur, Andhra Pradesh-522002.
6. The Tahsildar, Thulluru Mandal, Guntur District, Andhra Pradesh-522237.

7. The Chief Commissioner of Land Administration (CCLA), Andhra Pradesh, APIIC Building, Autonagar, Mangalagiri, Guntur District, AP-522501.
8. The Commissioner and Inspector General of Stamps and Registration, Registration and Stamps Department, V Square Building, Ward No., Tadepalli, Guntur District, Andhra Pradesh-522501
9. The Sub-Registrar, Thulluru Sub-Registration Office, Guntur District, Andhra Pradesh-522237.
10. The Sub-Registrar, Mandadam Sub-Registration Office, Guntur District, Andhra Pradesh-522238.
11. The Commissioner, Andhra Pradesh Capital Region Development Authority (APCRDA) Rayapudi, Amaravati, Guntur District, Andhra Pradesh-522237.
12. The Engineer-in-Chief (Administration), Irrigation & Water Resources Department, Government of Andhra Pradesh, Vijayawada NTR District, Andhra Pradesh-520002.

...Respondents

Petition under Article 226 of the Constitution of India, is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue a Writ of Mandamus any other appropriate Writ, Order or Direction,

declaring the action of the respondent authorities in permitting, facilitating, enabling and registering Development Agreements-cum-General Power of Attorney and allied documents in respect of Survey No.87 of Pitchakalapalem Village, Survey No.80 of Thulluru Village and Survey No.91 of Nelapadu Village, all of which are Government tanks / cheruvus / waterbodies, as illegal, arbitrary, unconstitutional, vitiated by malice in law, colourable exercise of power, abuse of statutory discretion and void ab initio;

declare that Survey No.87 of Pitchakalapalem Village, Survey No.80 of Thulluru Village and Survey No.91 of Nelapadu Village are Government waterbodies, as conclusively recorded in the Re-Survey and Re-Settlement

Registers, Village Maps and Field Measurement Books, and that the said lands, being public trust property, are incapable of private ownership, transfer, alienation, monetisation or utilisation for development, land pooling or any allied purpose whatsoever;

Issue Writ of Certiorari or other appropriate Writ, quashing and setting asides all illegal registrations, Development Agreements-cum-GPA, allotments, reconstituted plots and beneficiary adjustments, including those made under the CRDA Land Pooling Scheme, in respect of the aforesaid survey numbers, as being void, unenforceable, non est in law and without jurisdiction, and incapable of conferring any right, title or interest on any person or authority;

Issue a Writ of Mandamus, directing the respondent authorities to forthwith cancel, expunge and nullify all illegal entries, endorsements and encumbrances relating to the above survey numbers from the records of the Revenue and Registration Departments, and to restore, maintain and reflect the lands strictly in accordance with their original statutory classification as Government tanks / waterbodies in all official records;

Issue a Writ of Mandamus, directing the respondents to take immediate, effective and time-bound steps to demarcate, protect, fence and restore the said waterbodies, and to restrain any person, authority or agency from carrying out or permitting any encroachment, filling, construction, development or alteration of their natural character, so as to prevent irreversible environmental damage and the creation of a fait accompli;

Direct the respondents to initiate of disciplinary, departmental and penal proceedings against the officials and authorities responsible for the illegal registration, alienation, administrative utilisation and diversion of the Government waterbodies, after conducting a proper, independent and time-bound enquiry in accordance with law, and to fix individual and institutional accountability for breach of public trust and abuse of public office;

Pass such other order or orders as this Honble Court may deem fit and proper in the interests of justice, environmental protection, enforcement of

constitutional governance and preservation of public trust property, including such consequential, incidental and ancillary directions as may be necessary to restrain continuing illegality and secure effective compliance;

IA NO: 1 OF 2026

Petition under Section 151 CPC., is filed 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 to maintain absolute status quo as on date in respect of Survey No.87 of Pitchakalapalem Village, Survey No.80 of Thulluru Village and Survey No.91 of Nelapadu Village, all of which are Government tanks / cheruvus / waterbodies, with regard to their physical nature, legal character and revenue and registration entries, and to restrain the respondents from permitting, undertaking or giving effect to any registration, mutation, allotment, reconstitution, land pooling adjustment, transfer, development, filling, construction, encroachment or creation of third-party rights, and from acting upon or relying upon any Development Agreements-cum-General Power of Attorney, allotments, reconstituted plots or beneficiary adjustments, including those under the CRDA Land Pooling Scheme, in any manner whatsoever;

IA NO: 2 OF 2026

Petition under Section 151 CPC., is filed 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 to forthwith preserve and not destroy, alter, suppress or tamper with any original, digitised or electronic records, including Re-Survey and Re-Settlement (RSR) extracts, Village Maps, Field Measurement Books, Encumbrance Registers, registered documents, land pooling files, digital databases, electronic logs and official correspondence, relating to Survey No.87 of Pitchakalapalem Village, Survey No.80 of Thulluru Village and Survey No.91 of Nelapadu Village, and consequently direct the respondents to place all such records before this Hon'ble Court within a period of one week, so as to enable effective

adjudication and to prevent suppression, fabrication or post-litigation manipulation of material evidence;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated:25.02.2026 and upon hearing the arguments of Sri GAJJALA MALLIKARJUNA REDDY, Advocate for the Petitioner, learned GP FOR REVENUE for the Respondent Nos.1,4,5,6&7, learned GP FOR IRRIGATION for the Respondent Nos.3&12, learned GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT for the Respondent No.2, Smt. S. PRANATHI, Standing Counsel for the Respondent No.11, the Court made the following

ORDER:

Objections have not been filed despite time having been given in this regard.

Learned counsel for the petitioner has highlighted the fact that certain water bodies which existed in the Re-Survey Settlement Register of 1905 are required to be protected.

Mrs. S. Pranathi, learned Special Government Pleader for the State, would submit that the land in question, which was otherwise being dealt with by the Revenue agency, has since been transferred, by virtue of various Government Orders from time to time, and that the land now vests with the CRDA, i.e., the Capital Region Development Authority, and that appropriate instructions are required to be taken and information and clarification sought from the Revenue Department.

It is however not denied that if there was a water body which still exists on the spot, then the same has to be protected in terms of the judgment of the Apex Court in ***Jagpal Singh Vs State of Punjab***¹, which was subsequently followed by this Court in W.P. (PIL) No.140 of 2022 & batch.

Be that as it may, time is granted for six weeks.

¹ (2011) 11 SCC 396

List on 22.04.2026.

In the meantime, if there exists water body on spot, in Sy.No.87 of Pitchakalapalem, Sy.No.80 of Thullur Village and Sy.No.91 of Nelapadu, the same be protected.

**SD/- N.NAGAMMA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, The State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District Andhra Pradesh-522238.
2. The Principal Secretary, Municipal Administration And Urban Development Department, The State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh-522238.
3. The Principal Secretary, Irrigation and Water Resources Department, The State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh-522238. (1 to 3 by SPECIAL MESSENGER – along with a copy of petition and affidavit)
4. The District Collector & District Magistrate, Guntur District, Guntur, Andhra Pradesh-522002.
5. The Joint Collector, Guntur District, Guntur, Andhra Pradesh-522002.
6. The Tahsildar, Thulium Mandal, Guntur District, Andhra Pradesh-522237.
7. The Chief Commissioner of Land Administration (CCLA), Andhra Pradesh, APIIC Building, Autonagar, Mangalagiri, Guntur District, AP-522501.
8. The Commissioner and Inspector General of Stamps and Registration, Registration and Stamps Department, V Square Building, Ward No., Tadepalli, Guntur District, Andhra Pradesh-522501

9. The Sub-Registrar, Thulluru Sub-Registration Office, Guntur District, Andhra Pradesh-522238.
10. The Sub-Registrar, Mandadam Sub-Registration Office, Guntur District, Andhra Pradesh-522238.
11. The Commissioner, Andhra Pradesh Capital Region Development Authority (APCRDA) Rayapudi, Amaravati, Guntur District, Andhra Pradesh-522237.
12. The Engineer-in-Chief (Administration), Irrigation & Water Resources Department, Government of Andhra Pradesh, Vijayawada NTR District, Andhra Pradesh-520002. (4 to 12 by SPEED POST- along with a copy of petition and affidavit)
13. One CC to Sri. GAJJALA MALLIKARJUNA REDDY, Advocate [OPUC]
14. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
15. Two CCs to GP FOR IRRIGATION & CAD, High Court Of Andhra Pradesh. [OUT]
16. Two CCs to GP FOR MA & UD, High Court Of Andhra Pradesh. [OUT]
17. One CC to Smt. S. PRANATHI, SPECIAL GP, High Court of Andhra Pradesh. [OPUC]
- 18. Two Spare Copies**

KJ

HIGH COURT

**HC, J
&
CGR, J**

DATED:11.03.2026

LIST ON 22.04.2026

ORDER

WP(PIL).No.42 of 2026

DIRECTION

