

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)



WEDNESDAY, THE FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI DHIRAJ SINGH THAKUR, THE CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WP(PIL) NO: 47 OF 2025

Between:

Samachara Hakku Parirakshna Samaikya Vedika, Regd. Society vide No. 365/2024, Rep. by its. President Sri. Sabbella Veera Venkata Satyanarayana Reddy, S/o. Balakrishna Reddy, Aged 40 years. Resident of Door No. 14-32, Milk Bazar, near Pratibha Patashala, Prasadampadu, Vijayawada Rural, Krishna District, A.P. Aadhar No. 224818387582, Bank Account No. 96011073858 (Costal Local Area Bank Ltd), PAN No. ABKTS5446F, Cell. No. 7306319111.

...Petitioner ✓

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj and Rural development Department, Secretariat building, Velagapudi, Amaravati, Andhra Pradesh.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat building, Velagapudi, Amaravati, Andhra Pradesh.
3. The Commissioner, Panchayat Raj and Rural Development, O/o. Commissioner Panchayat Raj and Rural Development, D. No. 12-47, P.V.S ICON, Near Pratur Cross Road Tadepalli, Guntur District.

4. The Chief Commissioner of Land Administration, D. No. 189, 2nd floor Himanga Towers, N.T.R Marg, LIC Colony, B. Block, Gollapudi, Vijayawada, Andhra
5. The District Level High Power Committee Cum, The District Collector, O/o Collectorate, Krishna District.
6. The District Level High Power Committee Cum, The District Collector, O/o Collectorate, N.T.R District.
7. The District Panchayat Officer, Machilipatnam, Krishna District.
8. The District Panchayat Officer, Machilipatnam, N.T.R District.
9. The Superintendent of Police, Vijayawada, NTR District.
10. The Superintendent of Police, Machilipatnam, Krishna District.
11. The Engineer-In-Chief, Water Resources Department, Irrigation Compound Governorpet, Vijayawada - 520 002.
12. The Engineer-in-Chief, Shop No. 39-10-136, Vijayawada Road, R & B Circle, Punammathota, Labbipet, Vijayawada, A.P - 520 010.

...Respondents

WHEREAS the Petitioner above named through its Advocate SRI ELURU SESA MAHESH BABU presented this 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 in-action of the respondents in identifying the Gram Panchayat Properties and in publishing the same in the District Gazette as per rule 3 (c) of G.O.Ms.No.188 of PANCHAYAT RAJ AND RURAL DEVELOPMENT (Pts. IV) DEPARTMENT dated 21.07.2011 and further not conducting the review meetings for every 3 months as mentioned in rule 7 of Said G.O., is highly illegal, arbitrary and unconstitutional and consequently direct the respondents to follow the procedure prescribed under the G.O.Ms. No. 188 for identification of Gram Panchayat properties and for publishing the same in the District Gazette.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri ELURU SESA MAHESH BABU, Advocate for the Petitioner, and of GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT, for the Respondent Nos.1,3,7 & 8, and of GP FOR REVENUE, for the Respondent Nos.2, 4 to 6, and of GP FOR HOME, for the Respondent Nos.9 & 10, and of GP FOR ROADS & BUILDINGS, for the Respondent Nos.11 & 12, directed issue of notice to the Respondents herein to show cause as to why this WP(PIL) should not be admitted.

You viz:

1. The Principal Secretary, Panchayat Raj and Rural development Department, State of Andhra Pradesh, Secretariat building, Velagapudi, Amaravati, Andhra Pradesh.
2. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat building, Velagapudi, Amaravati, Andhra Pradesh.
3. The Commissioner, Panchayat Raj and Rural Development, O/o. Commissioner Panchayat Raj and Rural Development, D. No. 12-47, P.V.S ICON, Near Pratur Cross Road Tadepalli, Guntur District.
4. The Chief Commissioner of Land Administration, D. No. 189, 2nd floor Himanga Towers, N.T.R Marg, LIC Colony, B. Block, Gollapudi, Vijayawada, Andhra
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9. The Superintendent of Police, Vijayawada, NTR District.
10. The Superintendent of Police, Machilipatnam, Krishna District.
11. The Engineer-In-Chief, Water Resources Department, Irrigation Compound Governorpet, Vijayawada - 520 002.

12. The Engineer-in-Chief, Shop No. 39-10-136, Vijayawada Road, R & B Circle, Punammathota, Labbipet, Vijayawada, A.P - 520 010.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WP(PIL) should not be admitted, on or before 30.04.2025, to which date the case stands posted for hearing.

IA NO: 1 OF 2025

Petition under Section 151 of 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 consider the Representation submitted by the petitioner dated 28.01.2025 in respect of the implementation of Rule 3 (c) of G.O. Ms. No. 188 of PANCHAYAT RAJ AND RURAL DEVELOPMENT (Pts. IV) DEPARTMENT dated 21.07.2011 for identification of Gram panchayath properties and for Publication of District Gazette as per Rule 7, pending disposal of WP(PIL) No. 47 of 2025, on the file of the High Court.

The Court made the following: ORDER

The issue that has been highlighted in the present PIL is that according to the Andhra Pradesh Gram Panchayat (Protection of Property) Rules, 2011 [for short, 'the Rules of 2011'], the Gram Panchayats have not prepared the inventory of lands belonging to such Gram Panchayats much less have they published it in the District Gazette as is otherwise the requirement in terms of Rule 3 of the Rules of 2011.

The purpose of preparing an inventory of such lands belonging to the Gram Panchayats is with a view to identify the properties which are required to be protected and if encroached steps are taken for the eviction of the encroachers in terms of Rule 7 through high power committee consisting of as many as nine members.

Learned counsel for the petitioner stated that failure on the part of the Gram Panchayats to prepare the inventory as required in terms of the Rules of 2011 was enabling the encroachers to enjoy the property belonging to the Gram Panchayat rendering Rule 7 of the said Rules inoperative.

Notice.

Service is waived by learned Government Pleader for the Panchayat Raj & Rural Development Department on behalf of respondent Nos.1, 3, 7 & 8; learned Government Pleader for the Revenue Department on behalf of respondent Nos.2, 4, 5 & 6, learned Government Pleader for the Home Department on behalf of respondent Nos.9 & 10 and learned Government Pleader for the Roads & Buildings Department on behalf of respondent No.12.

Response be filed.

We direct the Commissioner, Panchayat Raj & Rural Development Department – respondent No.3 to take appropriate steps with a view to give effect to the Rules of 2011. The steps taken by the said respondent be placed before this Court on or before the next date of hearing.

List on 30.04.2025.

//TRUE COPY//

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj and Rural development Department, State of Andhra Pradesh, Secretariat building, Velagapudi, Amaravati, Andhra Pradesh.
2. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat building, Velagapudi, Amaravati, Andhra Pradesh.
(Addressees 1 & 2 by Special Messenger along with a copy of petition and affidavit)
3. The Commissioner, Panchayat Raj and Rural Development, O/o. Commissioner Panchayat Raj and Rural Development, D. No. 12-47, P.V.S ICON, Near Pratur Cross Road Tadepalli, Guntur District.
4. The Chief Commissioner of Land Administration, D. No. 189, 2nd floor Himanga Towers, N.T.R Marg, LIC Colony, B. Block, Gollapudi, Vijayawada, Andhra
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12. The Engineer-in-Chief, Shop No. 39-10-136, Vijayawada Road, R & B Circle, Punammathota, Labbipet, Vijayawada, A.P - 520 010.
(Addressees 3 to 12 by RPAD- along with a copy of petition and affidavit)
13. One CC to SRI. ELURU SSHA MAHESH BABU Advocate [OPUC]
14. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV ,High Court of Andhra Pradesh. [OUT]

15. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]

16. Two CCs to GP FOR HOME, High Court of Andhra Pradesh. [OUT]

17. Two CCs to GP FOR ROADS & BUILDINGS, High Court of Andhra Pradesh. [OUT]

18. Two spare copies

PSR



HIGH COURT

**HC,J
&
RC,J**

DATED:05/03/2025

NOTE: List on 30.04.2025.

NOTICE BEFORE ADMISSION

WP(PIL).No.47 of 2025

INTERIM DIRECTION

