



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

[3327]

TUESDAY, THE 23rd DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 6078/2023

Between:

- 1.UNDURTHI TATA RAO, S/O BAPANIAH, AGED 64 YEARS, OCC-AGRICULTURE, R/O D NO 2-48 PEDAMALLAM VILLAGE, ACHANATA MANDAL, WEST GODAVARI DISTRICT, ANDHRA PRADESH -534269.
- 2.UNDURTHIVIJAYA KUMAR,, S/O CHINA NAGESWAR RAO, AGED 32 YEARS, OCC-AGRICULTURE, R/O D NO 2-5D-1 PEDAMALLAM VILLAGE, ACHANATA MANDAL WEST GODAVARI DISTRICT, ANDHRA PRADESH -534269.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS SECRETARY PANCHAYAT RAJ, A P SECRETARIAT VELAGAPUDI ANDHRA PRADESH.
- 2.CHINAMALLAMGRAMPANCHAYATY, REP BY ITS SECRETARY CHINAMALLAM VILLAGE PANUGONDA MANDAL, WEST GODAVARI DISTRICT.
- 3.THE DISTRICT COLLECTOR, BHIMAVARAM, WEST GODAVARI DISTRICT
- 4.THE REVENUE DIVISIONAL OFFICER, NARASAPURAM, WEST GODAVARI DISTRICT

5.THE TAHASILDAR, PENUGONDA MANDAL PENUGONDA WEST
GODAVARI DISTRICT

...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 a writ, direction, order or orders more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing final notice cum order dated 20-02-2023 to evict the petitioners in the land admeasuring Ac.0.04 cents in R.S.No.288 situated at Chinamallam village, Penugonda Mandal, West Godavari District as illegal, arbitrary and against to principles of natural justice apart from the violation of Article 21 of Constitution of India and consequentially to suspend the 2nd respondent Final Notice cum Order dated 20-02-2023 and directed the respondent not to interfere in the petitioners land admeasuring Ac.0.04 cents in R.S.No.288 situated at Chinamallam village, Penugonda Mandal, West Godavari District In the interest of justice and pass

IA NO: 1 OF 2023

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 may be pleased to stay the final notice cum Order dated 20-02-2023 issued by the 2nd respondent in evicting the petitioners land admeasuring Ac.0.04 cents in R.S.No.288 situated at Chinannallam village, Penugonda Mandal, West Godavari District or consider the representation letter dated 28-02-2023 given to the respondents by the petitioners, and directed the respondents not to interfere the peaceful possession of the petitioners said land pending disposal of the above writ petition in the interest of justice and pass such

Counsel for the Petitioner(S):

1.CH S V SURAJ

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.Yarraguntla Koteswara Rao, Standing Counsel For Zilla Praja Parishads,
Mandal Praja Parishads and Gram Panchayats

3.GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following:

ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following prayer:

“...to issue a writ, direction, order or orders more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing final notice cum order dated 20-02-2023 to evict the petitioners in the land admeasuring Ac.0.04 cents in R.S.No.288 situated at Chinamallam village, Penugonda Mandal, West Godavari District as illegal, arbitrary and against to principles of natural justice apart from the violation of Article 21 of Constitution of India and consequently to suspend the 2nd respondent Final Notice cum Order dated 20-02-2023 and directed the respondent not to interfere in the petitioners land admeasuring Ac.0.04 cents in R.S.No.288 situated at Chinamallam village, Penugonda Mandal, West Godavari District In the interest of justice and pass...”

2. The petitioners belong to Scheduled Caste community and are landless poor persons. They are residents of Pedamallam Village bordering Chinamallam Village. Their ancestors were in enjoyment of land admeasuring Ac.0.04 cents in R.S.No.288 situated in Chinamallam Village, Penugonda Mandal, West Godavari District, by raising small huts during their lifetime, and thereafter, the parents of the petitioners and the petitioners are in enjoyment of the said land by keeping haystack and she-buffaloes. Due to political

reasons, the respondent No.2 is interfering with their possession and making attempts to evict them from the said land.

3. On 30th September, 2022, the respondent No.2 issued notice to evict the petitioners from the said property. In respect of the same, the petitioners herein have approached this Court by way of W.P.No.33222 of 2022 against the issuance of notice by the respondent No.2. This Court, by order dated 12.10.2022, disposed of the said Writ Petition with the following directions:

“1) The petitioners shall submit explanation to the impugned proceedings dated 30.09.2022, treating it as a show cause notice, within a period of two (2) weeks from today.

2) On receipt of such explanation, respondent No.2 shall examine the issue and take appropriate decision by following due process of law and the decision so taken shall communicate to the petitioners forthwith.

3) Till final decision to be taken by respondent No.2, the respondent authorities are directed not to interfere with the peaceful possession and enjoyment of the petitioners over the land to an extent of Ac.0.04 cents in R.S.No.288 situated at Chinamallam Village, Penugonda Mandal, West Godavari District.”

4. Pursuant to the directions of this Court, the petitioners submitted a reply notice/explanation dated 22.10.2022 to the respondent No.2 and also submitted representation dated 28.02.2023 to the respondent No.3. In spite of the same, respondent No.2 issued Final notice-cum-Order dated 20.02.2023 directing the petitioners to vacate from the subject premises.

5. On the other hand, the respondent No.2 filed counter-affidavit. A perusal of the counter-affidavit shows that respondent No.2 was served with a number of representations from the local farmers regarding illegal encroachment and occupation of Gram Panchayat land, which is arrayed as 'Kali Bata' in the revenue records in R.S.No.288 situated at Mandanavanipalem Hamlet of Chinamallam Village, by the petitioners herein.

6. After arguing for some time, the learned Standing Counsel confined his arguments to the extent that, against the order passed by the respondent No.2, an appeal shall lie to the Gram Panchayat under Section 128 of the Andhra Pradesh Panchayat Raj Act, 1994. Section 128 reads thus:

"128. Appeal from the order of executive authority- (1) An appeal shall lie to the gram panchayat from,- (a) any order of the executive authority granting, refusing, suspending or revoking a licence or permission; (b) any other order of the executive authority that may be made appealable by rules made under section 268.

(2) A second appeal shall lie from the decision of the gram panchayat passed in an appeal under sub-section (1) to such authority as may be prescribed whose decision thereon shall be final."

7. A bare reading of the aforesaid provision goes to show that against an order passed by the Executive Authority granting, refusing, suspending or revoking a licence or permission, or any other order of the executive authority

that may be made appealable by Rules made under Section 268, an appeal lies before the Gram Panchayat. According to the learned Standing Counsel, the petitioners herein, instead of approaching the appellate authority, have filed the present Writ Petition.

8. In view of the submission made by the learned Standing Counsel and without going into the merits of the case, as an alternative remedy is available to the petitioners against the order impugned in the Writ Petition, the petitioners are relegated to avail the said remedy by filing an appeal before the Executive Authority under Section 128 of the Andhra Pradesh Panchayat Raj Act, 1994, within a period of two (2) weeks from the date of receipt of a copy of this order. On filing of such appeal before the Executive Authority, the respondent authorities are directed to dispose of the appeal, in accordance with law, within a period of six (6) weeks from the date of filing of the appeal. Till such time, the respondent authorities are directed to maintain *status quo*.

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in the Writ Petition shall stand closed.

JUSTICE K.SREENIVASA REDDY

Date: 23.06.2026

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HON'BLE SRI JUSTICE K.SREENIVASA REDDY

Writ Petition No.6078 of 2023

Date: 23.06.2026

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