

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

TUESDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6886 OF 2025



Between:

1. G Devendrappa, S/o Late G. Ranganayakulu, Aged about 71 years, Occ: Business, R/o. 20-32, Hanumesh Nagar, Guntakal, Anantapur District-515801.
2. G. Ashok Kumar, S/o, G. Devendrappa Aged about 46 years, Occ: Business, R/o. 20-32, Hanumesh Nagar, Guntakal, Anantapur District-515801.
3. Smt. G. Devi, W/o. G. Devendrappa Aged about 62 years, Occ: Business, R/o. 20-32, Hanumesh Nagar, Guntakal, Anantapur District-515801.
4. Smt. Haritha Deepthi, W/o. Ashok Kumar Aged about 44 years, Occ: Business, R/o. 20-32, Hanumesh Nagar, Guntakal, Anantapur District-515801.
5. Sri E. Seerisha Annapurna, W/o. Vijay Kumar Aged about 39 years, Occ: Business, R/o. 20-32, Hanumesh Nagar, Guntakal, Anantapur District-515801.

...PETITIONERS

AND

1. The State of AP, Rep. by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Anantapur District, A.P.
3. The Revenue Divisional Officer, Guntakal Mandal, Guntakal
4. The Tahsildar, Guntakal Mandal, Anantapur District, A.P.
5. The Guntakal Municipality, Represented by its Commissioner Guntakal Anantapuram District.

...RESPONDENTS

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 that the action of the 4th Respondent in issuing impugned proceedings vide Rc. No. A/69/2025 dated.25.02.2025 in cancelling the Petitioners House Site Pattas issued vide Patta Nos.H.S.Dis/B/1142/2021, H3.Dis/B/1143/2021, H.S. Dis/B/1144/2021, H.S.Dis/B/1145/2021 and H.S/Dis/ B/1146/2021, even dated 04.01.2021 in favour of the Petitioners herein allotting an extent of Ac.01.5 Cents in S.No.412-2 in favour of the 1st Petitioner herein and an extent of Ac.0.1.5 Cents each in S.No.424-B in favour of Petitioner Nos. 2 to 5 in S.No.412-2, totaling an extent of Ac. 0.7.5 Cents of Hanuman Circle Street/Colony, Alur Road, Guntakal Municipality, Anantapur District, A.P and the consequent action of the 4th Respondent herein in issuing Rc.No.382/2024 dated.06.03.2025 impugned Notice vide U/s.7 of A.P Land Encroachment Act, 1905 directing the 1st Petitioner herein to remove the construction situated in Sy.No.424-B, 412/2, at Hanuman Circle Street/ colony, Alur Road, Guntakal Municipality of Anantapur District, A.P, without issuing any notice, without according any opportunity to the Petitioner herein, without following due process of law as wholly illegal, arbitrary, unjust, untenable, contrary to principles of Natural Justice, besides being violative of Article 14, 21 and 300-A of Constitution of India and consequently set-aside the impugned proceedings vide Rc.No.A/69/2025 dated.25.02.2025 and the impugned Notice vide Rc.No.382/2024 dated.06.03.2025 U/s.7 of A.P Land Encroachment Act, 1905 issued by the 4th Respondent.

IA NO: 2 OF 2025

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 suspend the impugned proceedings issued vide Rc.No.A/69/2025 dated.25.02.2025 by the 4th Respondent.

IA NO: 1 OF 2025

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 3rd & 4th Respondents herein not to dispossess the petitioners from the said land of an extent of Ac.0.06 Cents, situated in Sy.No.424-B of Hanuman Circle Street/ colony, Alur Road, Guntakal Municipality, Anantapur District, A.P in pursuance to the impugned Notice vide Rc.No.382/2024 dated.06.03.2025 issued by the 4th Respondent.

Counsel for the Petitioners: SRI N SAI PHANINDRA KUMAR

Counsel for the Respondent Nos. 1 to 4: GP FOR REVENUE

**Counsel for the Respondent No.5: SMT. SIREESHA RANI
VALLABHANENI (SC FOR
MUNICIPALITIES)**

The Court made the following: ORDER



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

[3329]

TUESDAY ,THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6886/2025

Between:

G Devendrappa and Others

...PETITIONER(S)

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.N SAI PHANINDRA KUMAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.6886 OF 2025

ORDER:-

This writ petition is filed under Article 226 of the Constitution of the India seeking the following relief:-

"to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th Respondent in issuing impugned proceedings vide Rc.No.A/69/2025 dated 25.02.2025 in cancelling the Petitioner's House Site Pattas issued vide Patta Nos.H.S.Dis/B/1142/2021, H3.Dis/B/1143/2021, H.S.Dis/B/1144/2021, H.S.Dis/B/1145/2021 and H.S.Dis/B/1146/2021 even dated 04.01.2021 in favour of the Petitioners herein allotting an extent of Ac.01.5 Cents in S.No.412-2 in favour of the 1st Petitioner herein and an extent of Ac.0.15 Cents each in S.No.424-B in favour of Petitioner Nos.2 to 5 in S.No.412-2, totalling an extent of Ac.0.7.5 Cents of Hanuman Circle Street/Colony Alur Road, Guntakal Municipality, Anantapur District, A.P. and the consequent action of the 4th Respondent herein in issuing Rc.No.382/2024 dated 06.03.2025 impugned Notice vide U/s 7 of A P Land Encroachment Act, 1905 directing the 1st Petitioner herein to remove the construction situated in Sy.No.424-B, 412/2 at Hanuman Circle Street/ colony, Alur Road, Guntakal Municipality of Anantapur District, A.P. without issuing any notice, without according any opportunity to the Petitioner herein, without following due process of law as wholly illegal, arbitrary, unjust, untenable, contrary to principles of Natural Justice, besides being violative of Article 14, 21 and 300-A of Constitution of India and consequently set aside the impugned proceedings vide Rc.No.A/69/2025, dated 25.02.2025 and the impugned Notice vide Rc.No.382/2024 dated 06.03.2025 U/s. 7 of A.P. Land Encroachment Act, 1905 issued by the 4th Respondent and pass such other order or orders..."

2. Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

3. The case of the petitioner in brief is that the petitioners herein are in peaceful possession and enjoyment of their respective house sites in an extent of Ac.0.15 Cents in Sy.Nos.412-2 in favour of the petitioner No.1 herein

and an extent of Ac.0.15 Cents each in S.No.424-B in favour of Petitioner Nos.2 to 5 situated at Hanuman Circle Street/Colony Alur Road, Guntakal Municipality, Anantapur District, Andhra Pradesh. Recognising their long standing possession, the petitioners herein were issued possession certificate by the then Tahsildar on 04.01.2021. Since then, the petitioners have been in peaceful possession and enjoyment of their respective sites and also constructed temporary houses in their respective sites. While so, the respondents conducted survey without issuing notice to the petitioners, but issued notice under Section 7 of the A.P. Land Encroachment Act, 1905 dated 06.03.2025 on the ground that the petitioners herein encroached the subject sites. Aggrieved by the same, the petitioners herein filed the present writ petition.

4. Learned Senior Counsel appearing for the petitioners submits that the respondents are trying to dispossess the petitioners from their respective sites, without following the due procedure, without observing principles of natural justice and without passing a speaking order.

5. On the other hand, learned Government pleader for the respondents furnished written instructions dated 18.03.2025 issued by respondent No.4, wherein, it is stated that subject possession certificates were not issued by the respondents and the petitioners encroached the subject lands and got constructed temporary houses thereon. It is further stated that while conducting survey the petitioners were issued notices under Section 10(1) of the Andhra Pradesh Survey and Boundaries Act, 1923 and the same were

received by the petitioners herein. As such, they cannot claim that the survey was conducted without issuing any notice. He further submits that since notices under Section 7 of A.P. Land Encroachment Act, 1905 were issued, let there be an explanation to the said notice by the petitioners to the respondents. On receipt of such explanation, the respondents will consider the same and will pass appropriate orders within a reasonable time.

6. Having regard to the submissions made by the learned counsel for the petitioners and learned Government Pleader and learned Standing Counsel appearing for the respondents and on perusal of the material placed on record, this Court is of the considered view that the present writ petition can be disposed of directing the petitioners to submit their explanations pursuant to the notices dated 06.03.2025 issued by the respondents, within a period of two (02) weeks from the date of receipt of a copy of this order. On receipt of such explanations, the respondents, more particularly, respondent No.4 is directed to consider the same and pass appropriate orders, after providing opportunity of hearing to all the parties concerned, with reference to the possession certificate issued by the petitioners within a period of two (02) months, thereafter. In the meanwhile, the respondents are directed not to interfere with the peaceful possession and enjoyment of the subject property of the petitioners.

7. With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

//TRUE COPY//

**Sd/- B PRASADA RAO
ASSISTANT REGISTRAR**


SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Anantapur District, A.P.
3. The Revenue Divisional Officer, Guntakal Mandal, Guntakal
4. The Tahsildar, Guntakal Mandal, Anantapur District, A.P
5. The Commissioner, Guntakal Municipality, Guntakal Anantapuram District.
6. One CC to Sri N Sai Phanindra Kumar Advocate [OPUC]
7. One CC to Smt. Sireesha Rani Vallabhaneni, SC for Municipalities, Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
9. Three CD Copies

TF

HIGH COURT

DATED:18/03/2025

ORDER

WP.No.6886 of 2025



DISPOSING OF THE W.P., WITHOUT COSTS