



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

[3521]

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION NO: 7161/2025

Between:

- 1.POTLAKAYALA NAGESWARA RAO, S/O SUBBARAO, AGED ABOUT 54 YEARS, OCC. AGRICULTURE, R/O. D.NO.1-132, CHINNAPETA, SELAPAKA VILLAGE, KAJULURU MANDAL,KAKINADA DISTRICT (ERSTWHILE EAST GODAVARI DISTRICT).
- 2.POTLAKAYALA BABY, W/O POTLAKAYALA NAGESWARA RAO, AGED ABOUT 45 YEARS, OCC. HOUSEWIFE, R/O D.NO.1-132, CHINNAPETA, SELAPAKA VILLAGE, KAJULURU MANDAL,KAKINADA DISTRICT (ERSTWHILE EAST GODAVARI DISTRICT).
- 3.POTLAKAYALA SUBRAMANYAM, S/O POTLAKAYALA NAGESWARA RAO, AGED ABOUT 33 YEARS, OCC. COOLIE, R/O D.NO.1-132, CHINNAPETA, SELAPAKA VILLAGE, KAJULURU MANDAL,KAKINADA DISTRICT (ERSTWHILE EAST GODAVARI DISTRICT).
- 4.POTLAKAYALA DORA BABU, S/O POTLAKAYALA NAGESWARA RAO, AGED ABOUT 30 YEARS, OCC. COOLIE, R/O D.NO.1-132, CHINNAPETA, SELAPAKA VILLAGE, KAJULURU MANDAL,KAKINADA DISTRICT (ERSTWHILE EAST GODAVARI DISTRICT).
- 5.POTLAKAYALA VINOD, S/O POTLAKAYALA NAGESWARA RAO, AGED ABOUT 27 YEARS, OCC. COOLIE, R/O D.NO.1-132, CHINNAPETA, SELAPAKA VILLAGE, KAJULURU MANDAL,KAKINADA DISTRICT (ERSTWHILE EAST GODAVARI DISTRICT).

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT
BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT
- 2.THE SUPERINTENDENT OF POLICE, KAKINADA DISTRICT,
KAKINADA, (ERSTWHILE EAST GODAVARI DISTRICT)
- 3.THE DISTRICT COLLECTOR, KAKINADA DISTRICT (ERSTWHILE
EAST GODAVARI DISTRICT).
- 4.THE STATION HOUSE OFFICE, GOLLAPALEM POLICE STATION,
KAKINADA RURAL MANDAL, KAKINADA DISTRICT, (ERSTWHILE
EAST GODAVARI DISTRICT)

...RESPONDENT(S):

Counsel for the Petitioner(S):

- 1.A K KISHORE REDDY

Counsel for the Respondent(S):

- 1.GP FOR HOME

The Court made the following:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION NO: 7161/2025

ORDER:

The Writ Petition has been filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue a Writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents herein particularly Respondent No.2 to 4 in not resolving the dispute which occurred on 31.10.2024 and not considering the representations dated 06.11.2024, 18.11.2024 and 16.12.2024 in not allowing the Petitioners and others whose names were reflected in the representation into the village of selapaka village, Kajuluru Mandal, Kakinada District erstwhile East Godavari District by restraining the unofficial activities of the villagers in restraining the Petitioners and others not allowing them into the village which as nothing but illegal, highhanded, erroneous and violative of Article 14 and 21 of The Constitution of India and consequently direct the Respondent No.2 to 4 to take necessary steps in allowing the Petitioners and others whose names are reflected in the representations dated. 06.11.2024, 18.11.2024 and 16.12.2024 into the village of selapaka village, Kajuluru Mandal, Kakinada District erstwhile East Godavari District and pass...”

2. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Home.

3. Mr. A.K. Kishore Reddy, learned counsel for the petitioners, submits that the grievance of the petitioners is that they have submitted representations dated 06.11.2024, 18.11.2024 and 16.12.2024 to consider allowing them to enter into the village.

4. Mr. P. Ajay Babu, learned Assistant Government Pleader, by way of filing a counter-affidavit, submits that some of the petitioners had indulged in the commission of three murders in the village. The said incidents were registered as Crime No. 180 of 2024 under Sections 189(1), 191(3), 238(b)

and 103(2) read with 190 of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS') by the Station House Officer, Gollapalem Police Station. Later, police were deployed in the village to curb the law and order problem.

5. It is further submitted that the police never objected to the petitioners entering Selapaka Village and staying in their respective houses. It is also submitted that if the petitioners enter the village, there is every likelihood of disruption of law and order.

6. Learned counsel for the petitioners further submits that, without any lawful order being passed by the District Magistrate on the request of respondent No. 2, there was no justification on the part of any of the official respondents in restraining the petitioners from entering the village and occupying their houses for their abode. It is further submitted that the houses of the petitioners were subjected to demolition pursuant to the alleged murders.

7. Be that as it may, without any order being passed by the District Magistrate invoking the relevant provisions restraining the petitioners from entering the village or occupying their respective houses, the same would amount to a violation of Article 21 of the Constitution of India. Further, when three representations have been submitted by the petitioners to the respondents, the respondents are duty-bound to consider those representations and dispose of them in accordance with law.

8. Considering the entire facts and circumstances of the case, the Writ Petition is disposed of, directing the respondents to pass appropriate orders on the representations dated 06.11.2024, 18.11.2024 and 16.12.2024 submitted by the petitioners, within a period of two (02) months.

9. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 19.02.2026
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

WRIT PETITION No.7161 of 2025

Date: 19.02.2026

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