

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**Bench
Sr.No:-38
[3552]**WRIT APPEAL NO: 1227 of 2025**

Pavada Nagaraju and others

...Appellants

Vs.

Palli Venkateswara Rao and others

...Respondents

Advocate for Appellants:

Mr. Mangena Sree Rama Rao

Advocates for Respondents:

Ms. P. Satya Harshitha appearing vice
Ms. Nimmagadda Revathi, GP for
Panchayat Raj Rural Dev, GP for
Revenue, Mr. Y. Koteswara Rao**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE CHALLA GUNARANJAN****DATE : 24th November, 2025.****P C :****I.A.No.1 of 2025**

Requirement of filing the certified copy of the judgment and order, dated 23.01.2024, passed in W.P.No.1396 of 2024, is dispensed with.

The IA is, accordingly, disposed of.

I.A.No.2 of 2025

For the reasons mentioned in the application, the Application is allowed. Leave to prefer the Writ Appeal against the judgment and order, dated 23.01.2024, passed in W.P.No.1396 of 2024, is granted.

I.A.No.4 of 2025

In the present application, the applicants seek condonation of 409 days delay in preferring the Writ Appeal against the judgment and order, dated 23.01.2024, passed in W.P.No.1396 of 2024.

Having heard learned counsel for the parties, we find that sufficient cause has been shown for getting the delay condoned.

Accordingly, the application is allowed and the delay is condoned.

I.A.No.3 of 2025

There is a delay of 203 days in re-submitting the memo of appeal, after removal of defects.

For the reasons stated in the accompanying affidavit filed in support of the application, the same is allowed and the delay is condoned.

WRIT APPEAL NO: 1227 of 2025

The present writ appeal has been preferred against judgment and order dated 23.01.2024, passed in W.P.No.1396 of 2024.

The appellants herein were not party respondents in the writ petition and therefore filed an application seeking leave to prefer the present writ appeal, which is since been granted by this Court.

The petitioners before the learned Single Judge had challenged a notice dated 27.09.2023, issued by the Duddukuru, Gram Panchayat, preventing the petitioners from utilizing the passage through the Gramakantam land measuring Acs.2.28 cents, falling in Survey No.227-1B in Duddukuru Village of Devarapalli Mandal in East Godavari District.

The claim of the petitioners was that they were using only to an extent of Acs.0.03 cents out of Acs.2.28 cents for purposes of passage to their residential house bearing No.6-45 in Ward No.10 of the said village.

It appears that during the course of arguments before the learned Single Judge, counsel for respondent No.4, i.e. Gram Panchayat, had made a statement that the green cloth installed by the petitioners around the land in question has since been removed, the Gram Panchayat and the villagers would have no objection for the petitioners using the said extent of land as a passage to their residential house.

However, it was clearly spelt out by counsel for respondent No.4 that the petitioners could not be permitted to cover the said extent for their exclusive purpose.

It is in that backdrop that the learned Single Judge had noticed that no further action was initiated in regard to the parcel of land measuring Acs.0.03 cents, except removal of the green cloth, which was put up by the petitioners and therefore proceeded to dispose of the Writ Petition with a direction to the respondent authorities not to obstruct the petitioners from using the above extent of land measuring Acs.0.03 cents for purposes of ingress and egress to their residential house.

What is important to note here is the fact that the learned Single Judge clearly ordered that, the petitioners should not cause any obstruction to the usage of the said land by the other villagers. In the present Writ Appeal, what is sought to be emphasized is that the petitioners had concealed from the learned Single Judge the fact that there was another way available to them to access their house. It was urged that Gramakantam land is meant to be used for the common benefit of the village and cannot be permitted to be used as a right of way for the petitioners, more so, in a situation where the petitioners did have an alternative route available to them from another direction.

With a view to verify this aspect, we direct the District Collector, East Godavari District, to have a limited enquiry conducted as to whether the petitioners have any access to their house other than the Gramakantam land, which is the subject matter of controversy in the present case.

A report shall be submitted within a period of four weeks from today.

List on 29.12.2025.

DHIRAJ SINGH THAKUR, CJ.

CHALLA GUNARANJAN, J.

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