

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI DHIRAJ SINGH THAKUR
AND
HONOURABLE SRI JUSTICE CHALLA GUNARANJAN
WRIT APPEAL NO: 1227 OF 2025

(Writ Appeal under clause 15 of the Letter Patent is filed being aggrieved by
the Order dated 23.01.2024 made in W.P.No.1396 of 2024)

Between:

1. Pavada Nagaraju
S/o. Chinna Rao,
R/o. D.No.7/1, Kotapeta,
Duddukuru, West Godavari-534313.
2. Paidimalla Mahesh,
S/o. Chinna Achhiyya,
Kothapeta, SC Area,
Duddukuru, West Godavari-534313.
3. Nuthalapatii Mahesh Babu
S/o. Somayya,
R/o. D.No.6-36, SC Area,
Duddukuru, West Godavari-534313.
4. Bethala Venkayya,
S/o. Chanchayya,
R/o. D.No.6-140, Kothapeta,
High School Road, Duddukuru,
Devarapalli, West Godavari-534313.
5. Madathala Balayya,
S/o. Gangaraju,
R/o. D.No. 6-46, S C Peta,
Duddukuru, Devarapalli,
West Godavari- 534313.
6. Nuthallapati Somayya,
S/o. Musalayya,
R/o. D.No.6-36, High School Road,
Kothapeta, VTC: Duddukuru,
West Godavari -534313.



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7. Battu Bhimmayya,
S/o. Suribabu,
R/o. D.No.6-29, YSR Street,
Kothapeta Devarapalli Mandal,
Duddukuru, West Godavari-534313.

8. Madathala Venkatarao,
S/o. Dharmayya,
R/o. D.No.6-54, Duddukuru,
West Godavari-534313.

9. Polumati Veerraju,
S/o. Sunkarayya,
R/o. D.No.5-137/1, Ambedkar Street,
Duddukuru, West Godavari-534313.

10. Pamula Phakeeru,
S/o. Durga Rao,
R/o. D.No.5-191, High School Road,
Duddukuru, West Godavari-534313.

11. Cholla Nagaraju,
S/o. Pasalu,
R/o. D.No.5-194, Ambedkar Street,
Duddukuru, West Godavari-534313.

12. Paidimalla Rambabu,
S/o. Dharmayya,
R/o. 5-162, Ambedkar Street,
Duddukuru, West Godavari-534313.

13. Bhethala Siva Sankar,
S/o. Venkatarao,
R/o. D.No.5-116, High School Road,
Duddukuru, West Godavari - 534313.
Phone No: 9133272447

14. Korapati Venkateswara Rao,
S/o. Atchiyya,
R/o. D.No.6-51, Kothapeta,
6th Ward, Duddukuru,
West Godavari -534313.

15. Rapaka Mahalakshmayya,
S/o. Musalayya,
R/o.D.No.6-11, High School Road,
Duddukuru, West Godavari-534313.

16. Dhoddi Srinu,
S/o. Rajasekhar,
R/o. D.No.6-25,
Duddukuru, West Godavari-534313.
17. Madatala Arjun,
S/o. Krishnaiah,
R/o. D.No.5-139,
Ambedkar Veedhi,
Duddukuru, W.G.District-534313
18. Polukonda Venkatesu,
S/o. Bujji Venkayya,
R/o. Kothapeta, Duddukuru,
West Godavari District-534313.
19. Polumati Venkata Rao,
S/o. Venkanna,
R/o. D.No.5-185, SC Peta,
Duddukuru, Devarapalli Mandal,
West Godavari district-534313.
20. Marapatla Ramudu,
S/o. Gangaraju,
R/o. 6-29, Duddukuru,
West Godavari District-534313.
21. Tadepalli Dharmayya,
S/o. Venkanna,
R/o. D.No. 6-53/1, Kothapeta,
Duddukuru, W.G.District-534313.
22. Madatala Srinivasa Rao,
S/o. Nageswara Rao,
R/o. D.No.5-162,
Near Ambedkar Vignraham,
Duddukuru, W.G.District-53313.
23. Gollampalli Dharmaraju,
S/o. Venkata Rao,
R/o. D.No.5-86, Kothapeta,
Indiramma Colony,
Devarapalli Mandal, Duddukuru.

24. Madelli Arjuna Rao,
S/o. Madelli Lakshman Rao,
R/o.D.No.5-90, Ambedkar Street,
Duddukuru- W.G.District.-534313.
25. Madelli Nagarjuna,
Madelli Bangarayya,
R/o.D.No.6-32,
Duddukuru, W.G.District-534313.
26. Nuthalapati Nani,
S/o. Somayya,
R/o.D.No.6-35, Ambedkar,
Duddukuru, W.G.District-534313.
27. Birudugatla Srinu,
S/o. Mahalakshmayya,
R/o. 5-136, Duddukuru,
W.G.District-534313.

AND

- 1) Palli Venkateswara Rao,
S/o.late Venkatesu,
Aged about 66 years, Occ:Cooli,
R/o. D.No.6-45, Kothapeta,
Duddukuru Village, Devarapalli Mandal,
East Godavari District.
- 2) Palli Srinu,
S/o. Venkateswara Rao,
Aged about 31 years, Occ: Cooli,
R/o. D.No.6-45, Kothapeta,
Duddukuru Village, Devarapalli Mandal,
East Godavari District.

...Respondents/Writ Petitioners

- 3) The State of Andhra Pradesh,
Rep.by its Principal Secretary to Government,
Panchayat Raj and Rural Development Department,
Secretariat, Velagapudi, Amaravati,
Guntur District.
- 4) The District Collector (Panchayat Wing),
East Godavari District at Rajamahendravaram.

5. The District Panchayat Officer, East Godavari District at Rajamahendravaram.
6. The Duddukuru Gram Panchayat, Rep.by its Executive Authority-Cum-Panchayat Secretary, Duddukuru Village, Devarapalli Mandal, East Godavari District.
7. The Tahsildar, Devarapalli Mandal, East Godavari District.

...Respondents

IA No. 5 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 suspend the order of the learned Single Judge Order dt. 23.01.2024 in W.P. No. 1396 of 2024 of the Hon'ble Court, Pending disposal of WA No. 1227 of 2025, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s MANGENA SREE RAMA RAO Advocate for the Petitioners, and of M/s NIMMAGADDA REVATHI, Advocate for Respondent Nos.1 & 2, and of GP FOR PANCHAYAT RAJ, for Respondent Nos.3 to 5, and of SRI Y.KOTESWARA RAO, Standing Counsel for Respondent No.6, and of GP FOR REVENUE, for Respondent No.7, the Court made the following

ORDER:

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.

//TRUE COPY//

Sd/-B.CHITTI JOSEPH
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. Palli Venkateswara Rao, S/o.late Venkatesu, Aged about 66 years, Occ- Cooli, R/o. D.No.6-45, Kothapeta, Duddukuru Village, Devarapalli Mandal, East Godavari District.
2. Palli Srinu, S/o. Venkateswara Rao, Aged about 31 years, Occ- Cooli, R/o. D.No.6-45, Kothapeta, Duddukuru Village, Devarapalli Mandal, East Godavari District
3. The Principal Secretary to Government, Panchayat Raj and Rural Development Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District. (by Special Messenger)
4. The District Collector (Panchayat Wing), East Godavari District at Rajamahendravaram.
5. The District Panchayat Officer, East Godavari District at Rajamahendravaram.

6. The Executive Authority-Cum-Panchayat Secretary, Duddukuru Gram Panchayat, Duddukuru Village, Devarapalli Mandal, East Godavari District.
7. The Tahsildar, Devarapalli Mandal, East Godavari District.
(Addressees 1, 2 & 4 to 7 by RPAD)
8. One CC to SRI. MANGENA SREE RAMA RAO Advocate [OPUC]
9. One CC to M/s NIMMAGADDA REVATHI Advocate [OPUC]
10. Two CCs to GP FOR PANCHAYAT RAJ, High Court of Andhra Pradesh [OUT]
11. One CC to SRI Y.KOTESWARA RAO, Standing Counsel [OPUC]
12. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh [OUT]
13. **One spare copy**

PSR

HIGH COURT

**HC,J
&
CGR,J**

DATED:24/11/2025

NOTE: List on 29.12.2025.

ORDER

WA.No.1227 of 2025

INTERIM DIRECTION

