

**WRIT APPEAL No.1227 of 2025**

Pavada Nagaraju and others

...Appellants

Vs.

Palli Venkateswara Rao and others

...Respondents

Advocate for appellants : Sri Mangena Sree Rama Rao

Advocate for respondents : Ms. Nimmagadda Revathi,
Sri Yarraguntla Koteswara Rao,
learned Standing Counsel for Zilla
Praja Parishads, Mandal Praja
Parishads and Gram Panchayats,
learned Government Pleader for
Panchayat Raj and Rural
Development, learned Government
Pleader for Revenue.

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE CHALLA GUNARANJAN****DATE : 20th April 2026****P.C.:**

A plot of land measuring Ac.0-03 cents out of Ac.2-28 cents falling in Survey No.227-1B situate in Duddukuru Village of Devarapalli Mandal in East Godavari District was being used by the petitioners as passage to reach their residential house bearing Door No.6-45 in Survey No.223 in Ward No.10.

2. A notice dated 27.09.2023 was issued and served upon the petitioners by the Gram Panchayat requiring them to vacate the encroachment over the said plot of Gramakantam land. The petitioners also appeared to have

erected some green fence which was considered to be some sort of an encroachment over the Gramakantam land and therefore, the notice. Challenging the notice, the petitioners preferred Writ Petition No.1396 of 2024. The petitioners in the writ petition did not dispute that the passage used by them to access their residential house was in fact Gramakantam land. However, it was stated that the said passage was being used out of necessity as there was no other passage for purposes of ingress and egress to reach their residential house. It appears that the user of the said passage by the petitioners was objected to by the rest of the villagers.

3. By virtue of the judgment and order dated 23.01.2024, the learned single Judge disposed of the petition by directing the authorities not to obstruct the petitioners from using the land in question to an extent of Ac.0-03 cents for purposes of ingress and egress to the residential house. However, the petitioners were directed to remove the green fence which was put by the petitioners with a view to prevent the petitioners from establishing their right over the said parcel of land.

4. The appellants before us were not party respondents in the writ petition but were permitted to prefer the present writ appeal after obtaining leave from this Court. Their main contention was that it was incorrect to suggest that there was no other passage for purposes of ingress or egress from the residential house of the petitioners and that this could be verified if an appropriate report was sought for from the concerned agencies. It was also urged that in case the petitioners were permitted to use the Gramakantam

land or a part thereof to an extent of Ac.0-03 cents, after sometime, the petitioners would claim easementary rights over the said plot of land either by way of prescription or by way of easement of necessity, which cannot be permitted inasmuch as each of the residents in the Gram Panchayat have a stake in the parcel of land in question where functions are invariably held for the benefit of the residents.

5. By virtue of our order dated 24.11.2025, we directed the District Collector, East Godavari District to have a limited enquiry conducted as to whether the petitioners had any access to their house other than the Gramakantam land which was the subject matter of controversy in the present case. The report suggests that there is another road which was about 11 feet wide and runs along the northern side of the writ petitioners' vacant land through which the petitioners could access their residential house. The report also suggests that at present, there was a wooden fence existing in between.

6. Learned counsel for the petitioners, who are respondent Nos.1 and 2 herein, would submit that the petitioners cannot access the house from the northern side inasmuch as a portion of the land which fell on the northern side of the house of the petitioners came to the share of the 1st petitioner's children as per the partition deed which was duly registered with the concerned authority as early as in the year 2018. It is, therefore, stated that at present, the petitioners/respondent Nos.1 and 2 would have no access except through the Gramakantam land.

7. We have heard the learned counsel for the parties. We feel that the petitioners cannot as a matter of right claim right of ingress or egress over the Gramakantam land which may be required in future even for the purposes of construction. Even otherwise functions may be required to be organized on the Gramakantam land for the benefit of the residents of the Gram Panchayat. Therefore, while the petitioners would be allowed to use the part of the Gramakantam land for the purposes of ingress and egress, that shall be permitted only temporarily and would not create any easementary rights in it either by prescription or on the ground of necessity. In case the Gram Panchayat authorities decide to use this plot of land for construction purposes, they would be at liberty to do so without any hindrance irrespective of the fact whether the petitioners were using a part of the land for the purposes of accessing their residential house. We are of the opinion that the partition deed which was executed between the petitioners and the 1st petitioner's children in 2018 appears to have been a mechanism to somehow create a right over the plot of Gramakantam land which was adjacent to the house of the petitioners.

8. Be that as it may, we allow the present Writ Appeal and modify the judgment and order passed by the learned single Judge to the extent as observed by us herein above. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

CHALLA GUNARANJAN, J

AMD

36

**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE CHALLA GUNARANJAN**

WRIT APPEAL No.1227 of 2025

Dt:20.04.2026

AMD