

[3331]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**TUESDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 8140 OF 2026



Between:

1. Vudumudi Jaya Prasad, S/o V Rama Rao, Aged about 61 years, Business, R/o D.No.5-14, Main Road, Badampudi Village, Unguturu Mandal, Eluru District.
2. Poripireddy Hymavathi, W/o P Rameswara Rao Aged about 68 years, R/o D.No.5-113, Main Road, Badampudi Village, Unguturu Mandal, Eluru District.
3. Gudavalasa Srinivasa Rao, S/o G Atchanna, Aged about 51 years, Business, R/o D.No.5-122, Main Road, Badampudi Village, Unguturu Mandal, Eluru District.
4. Tatipaka Mani, W/o Late T Lajaru, Aged about 35 years. Business, R/o D.No.5-13, Main Road, Badampudi Village, Unguturu Mandal, Eluru District.
5. Bale Shyamala, W/o B Prasad, Aged about 48 years. Business, R/o D.No.5-51, Main Road, Badampudi Village, Unguturu Mandal, Eluru District.
6. Boddu Pandu Ranga Rao, S/o B Veera Bhadra Rao, Aged about 48 years. Business, R/o D.No.5-115, Main Road, Badampudi Village, Unguturu Mandal, Eluru District.

Petitioners

AND

1. The State of Andhra Pradesh, represented by its Principal Secretary Panchayat Raj and Rural Development Department, Secretariat, Velagapudi, Guntur District-522238.
2. The District Collector, Eluru Godavari, Eluru-534001.
3. The Tahsildar, Unguturu Mandal, Eluru District-534001.
4. The Badampudi Gram Panchayat, represented By Panchayat Secretary, Badampudi Village, Unguturu Mandal, Eluru District-534411.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus, declaring the Order vide Roc.No.302/2025, dt.06-03-2026 and the consequential notice vide Re.K.No.302/2025, dt.06-03-2026 issued by the 4th respondent herein without considering petitioners explanation dt. 14-11-2025, as per the Order dt. 12-011-2025, 10-12-2025 in W.P No.31339 of 2025 and W.P No.32876 of 2025, is illegal, arbitrary, non application of mind, violative of Principles of Natural Justice, contrary to the provisions of A.P Panchayat Raj Act, 1994 and rules made their under and Articles 14, 21 and 300-A of the Constitution of India and consequently set aside the Order vide Roc.No.302/2025, dt.06-03-2026 and the consequential notice vide Re.K.No.302/2025, dt.06-03-2026 issued by the 4th respondent herein and also desist the 4th respondent and its staff from interfering with petitioners possession and enjoyment of shops/houses bearing D.No.5-14, old D.No.5-113 (New D.No.4-107), 5-122, 5-13, 5-51 and 5-115, Main road, Badampudi Village, Unguturu Mandal, Eluru District.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the Order vide Roc.No.302/2025, dt.06-03-2026 and the consequential notice vide Re.K.No.302/2025, dt.06-03-

2026 issued by the 4th respondent herein, Pending disposal of WP 8140 of 2026, on the file of the High Court.

IA NO: 2 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the 4th respondent and their staff not to interfere with petitioner's possession and enjoyment of shops/houses bearing D.No.5-14, old D.No.5-113 (New D.No.4-107), 5-122, 5-13, 5-51 and 5-115, Main road, Badampudi Village, Unguturu Mandal, Eluru District, Pending disposal of WP 8140 of 2026, on the file of the High Court.

The petition, coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI KARRE SATYANANDAM, Advocate for the Petitioners, GP FOR PANCHAYAT RAJ & RURAL DEV for the Respondent No.1, learned GP FOR REVENUE for the Respondent Nos.2&3, and of Sri Y. KOTESWARA RAO, Standing Counsel for the Respondent No.4, the Court made the following **ORDER:**

Learned Government Pleader for Panchayat Raj & Rural Development takes notice on behalf of the 1st respondent, and learned Government Pleader for Revenue takes notice on behalf of respondents 2 & 3, and both the counsel seek time to get the instructions.

2. Sri Y.Koteswara Rao, learned standing counsel, takes notice on behalf of the 4th respondent, offers to file vakalat and seeks time to file counter affidavit.

3. Assailing the proceedings issued by the Panchayat Secretary of the 4th respondent vide Roc.No.302/2025, dated 06.03.2026 (Ex.P1), the petitioners filed the above writ petition.

4. Heard Sri K.Satyanandam, learned counsel for the petitioners and Sri Chaitanya, learned counsel representing Sri Y.Koteswara Rao, learned standing counsel for the 4th respondent.

5. The petitioners earlier filed W.P.Nos.31339 and 32876 of 2025, and they were disposed of on 12.11.2025 and 10.12.2025, respectively. While disposing of W.P.No.32876 of 2025, the coordinate Bench of this Court observed thus:

“The respondent authorities are directed to consider the explanation submitted by the petitioner in response to the notice dated 07.11.2025 and pass appropriate orders thereon in accordance with law, after affording an opportunity of being heard, as expeditiously as possible ...”

6. As seen from Ex.P1, the petitioners submitted explanation on 14.11.2025. The proceeding, impugned, runs into 6 pages. In internal Page-4 of the order, the authority observed thus:

“In this connection, the petitioners in W.P.Nos.31339/2025, W.P.No.31699/2025, and W.P.No.32876/2025 were submitted their explanations on 14.11.2025/21.11.2025 (i.e.) after the orders passed by the Hon’ble Court. In pursuance of the orders passed by the Hon’ble Court in W.P.Nos.31339/2025, W.P.No.31699/2025, and W.P.No.32876/2025, conducted a detailed enquiry on their explanations in the Village. On the enquiry, it reveals that the petitioners were encroached the Street Poramboke land and their Social status as detailed below:”

In internal Page-5 of the order, after tabular form, the authority observed that the petitioners encroached the Government-Street Poramboke and the explanations of the petitioners are not true, tenable and far from the truth. The explanations of the petitioners cannot be countenanced and deserve no consideration.

7. It is very unfortunate that despite the order dated 10.12.2025 in W.P.No.32876 of 2025, wherein the coordinate Bench of this Court

directed the learned officer to provide an opportunity of hearing, no opportunity of hearing was provided to the petitioners. Apart from that, the order impugned does not indicate objective consideration of the explanations submitted by the petitioners. Except for stating that the explanation cannot be countenanced, nothing is discernible as to what the explanation is and why the same cannot be countenanced. The reasons are the heart and soul of any order. The petitioners have made out a *prima facie* case for the grant of an interim order.

8. Given the facts and circumstances of the case, the Panchayat Secretary of 4th respondent shall not take any coercive steps in respect of petitioners' shops/ houses bearing D.No.5-14, old D.No.5-113b (new D.No.4-107), 5-122, 5-13 and 5-115, Main Road, Badampudi village, Unguturu Mandal, Eluru District.

9. List the matter on 31.03.2026 in the adjourned Motion List.

SD/-B.CHITTI JOSEPH
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY/

To,

1. The Panchayat Secretary, Badampudi Gram Panchayat, Badampudi Village, Unguturu Mandal, Eluru District-534411. (BY SPEED POST)
2. One CC to SRI. KARRE SATYANANDAM Advocate [OPUC]
3. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV ,High Court Of Andhra Pradesh. [OUT]
4. Two CCs to GP FOR REVENUE,High Court of Andhra Pradesh. [OUT]
5. One CC to SRI Y. KOTESWARA RAO, STANDING COUNSEL [OPUC]
6. One spare copy

KJ

HIGH COURT

SRS,J

DATED:24/03/2026

LIST THE MATTER ON 31.03.2026 IN THE ADJOURNED MOTION LIST

ORDER

WP.No.8140 of 2026

INTERIM DIRECTION

