

APHC010193342025



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

[3329]

TUESDAY ,THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 10082/2025

Between:

Pilla Rupakala

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.A S C BOSE

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India claiming the following relief:

“to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondent No 2 herein in issuing notice vide Rc No 25/2025/A dated 10.01.2025 under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 pertaining to my house vide Door No.521 in Sy No.75 of the Vepagunta Revenue Village as high handed illegal arbitrary violative of principles of natural justice and contrary to the Article 300A of the Constitution of India by setting aside the notice vide Rc.No.25/2025/A dated

10.01.2025 under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 pertaining to my house vide Door No.521 in Sy No 75 of the Vepagunta Revenue Village Accounts issued by the Respondent No.2 and consequently direct the Respondent No 2 herein not to interfere with my peaceful possession and enjoyment over my house vide Door No 521 in Sy No 75 of the Vepagunta Revenue Village and pass order”

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondents.

3. The learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the RCC building bearing No. 5-21 in Sy. No. 75 of the Vepagunta Revenue accounts. The petitioner has been in continuous possession of the subject property for more than four decades and has been paying property taxes to the municipal authorities. While things stood thus, the respondent No.2 issued herein impugned notice dated 10.01.2025 under section 7 of the Andhra Pradesh Land Encroachment Act, 1905 stating that the petitioner has encroached the subject land in sy.No.75 of the Vepagunta Revenue accounts more particularly to an extent of 65 square yards. Pursuant to the impugned notice dated 10.01.2025 issued by the 2nd respondent, the petitioner submitted reply to the 2nd respondent dated 24.03.2025. Even after receipt of the reply/explanation submitted by the petitioner pursuant to the impugned notice, without considering the same the 2nd authorities are trying to interfering with the peaceful possession and enjoyment of the subject property and trying to demolish the petitioner's house in the said land, which is contrary to law. Hence the writ petition.

4. On the other hand, learned Government Pleader for Revenue, supported the action of the 4th respondent in issuing the impugned notice after determination of the nature of land and occupation without any valid permission from the competent authority and also assessed in all respects and requested to dismiss the writ petition.

5. Even assuming for a moment that this petitioner is an encroacher, who is allegedly in unauthorized possession of the property, still after issuing notice under Section 7 of the A.P. Land Encroachment Act, the respondent/ Tahsildar is required to pass detailed order after affording opportunity reasonably to the petitioner, as held in the case **Kadiyala Sudershan and others Vs. Government of Andhra Pradesh**¹.

6. Section 7 of the Act envisages a show-cause notice pre- supposes that the competent authority has to deal with the explanation/objections filed by the person in possession of the land. Unless a reasoned order is passed, the person in occupation of the land does not know as to why an order of eviction is passed against him. Unless the order contains reasons, the appellate authority will not be in a position to examine the validity or otherwise of the order and decide the appeal.

7. Having regard to the submissions made by the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondents submits that, this court is of the considered

¹ 1 2013 (6) ALT 42

view that, the present writ petition can be disposed of by directing the 2nd respondent to consider the reply/explanation dated 24.03.2025 submitted by the petitioner pursuant to the impugned notice dated 10.01.2025 under section 7 of the Andhra Pradesh Land Encroachment Act, 1905, and pass appropriate orders within two (02) months thereafter. In the meanwhile, the respondents are directed not to take any coercive steps against the petitioner.

8. With the above direction, writ petition is disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

Date:22.04.2025

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222

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 10082/2025

Date:22.04.2025

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