



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

[3327]

MONDAY, THE 27th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 10571/2024

Between:

1.G.S.BABAJHON, S/O.G.S.MAHABOBBASHA AGED 38
YEARS, R/O.MARRIPADU VILLAGE,
GURRAMKONDAMANDAL ANNAMAIAH DISTRICT,
ANDHRA PRADESH

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP.BY ITS
PRINCIPAL SECRETARY PANCHAYAT RAJ
DEPARTMENT A.P.SECRETAIRAT, VELAGAPUDI
AMARAVATI, GUNTUR DISTRICT

2.THE DISTRICT COLLECTOR, ANNAMAYYA DISTRICT,
RAYACHOTI, ANDHRA PRADESH

3.THE DISTRICT PANCHAYAT OFFICER, ANNAMAYYA
DISTRICT, ANDHRA PRADESH

4.THE DIVISIONAL PANCHAYAT OFFICER,
MADANAPALLI, ANNAMAYYA DISTRICT, AP

5.THEMANDALPARISHAD DEVELOPMENT OFFICER,
GURRAMKONDA MANDAL, ANNAMAYYA DISTRICT

ANDHRA PRADESH.

6.THE MARRIPADU GRAMPANCHAYAT, MARRIPADU
VILLAGE, GURRAMKONDAMANDAL ANNAMAYYA
DISTRICT, ANDHRA PRADESH REP.BY ITS
PANCHAYAT SECRETARY

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the 6th respondent in rejecting my application for construction of poultry farm in an extent of Ac.2.50 cents in Sy.No.58/1A, situated at Marripadu Village, Gurramkonda Mandal, Annamayya District, Andhra Pradesh for no reasons is illegal, arbitrary and unjust and consequently direct the respondents to grant permission for poultry farm forthwith and pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents grant permission to the petitioner to start poultry business in an extent of Ac.2.50 cents in Sy.No.58/1A, situated at Marripadu Village, GurramkondaMandal, Annamayya District, Andhra Pradesh pending disposal of the above writ petition and pass

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to amend the INTERIM prayer in W.P.No.10571/2024 as under: to suspend the operation of rejection order dt.26-09-

2023 issued by the 6 respondent and direct the respondents to grant permission to the petitioner to start poultry business in an extent of Ac.2.50 cents in Sy.No.58/1A, situated at Marripadu Village, GurramkondaMandal, AnnamaiahDistrict, Andhra Pradesh and pending disposal of the above writ petition and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case. INSTEAD OF to direct the respondents to grant permission to the petitioner to start poultry business in an extent of Ac.2.50 cents in Sy.No.58/1A, situated at Marripadu Village, GurramkondaMandal,Annamaiah District,Andhra Pradesh pending disposal of the above writ petition and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant leave to the Petitioner/ respondent N0.5&6 to file the counter affidavit and pass

Counsel for the Petitioner:

1.GUTTAPALEM VIJAYA KUMAR

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.Mattegunta.Sudhir,Standing Counsel For
Z.P.Ps,M.P.Ps,Gram Panchayats

The Court made the following:

ORDER:

The present Writ Petition is filed seeking the following relief:-

“....to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 6th respondent in rejecting my application for construction of poultry farm in an extent of Ac.2.50 cents in Sy.No.58/1A, situated at Marripadu Village, Gurramkonda Mandal, Annamayya District, Andhra Pradesh for no reasons is illegal, arbitrary and unjust and consequently direct the respondents to grant permission for poultry farm forthwith and pass such other order.”

2. The averments of the writ affidavit, in brief, are as follows.

(a) The petitioner is an agriculturist and has been cultivating lands to an extent of Ac.2.50 cents in Sy.No.58/1A situated at Marripadu Village, Grramkonda Mandal, Annamayya District. As the petitioner intended to start a poultry farm, he submitted an application to 6th respondent-Gram Panchayat seeking permission. Upon inspection of the petitioner's land and location, 6th respondent instructed the petitioner to obtain a No Objection Certificate from the B.C. Colony, which is situated at a distance of about 650 meters from the subject land. Accordingly, the petitioner obtained No Objection Certificate from the residents of the B.C. Colony and enclosed the same, along with

other necessary documents, to the 6th respondent on 12.05.2023. However no action was taken on the petitioner's application.

(b) Aggrieved thereby, the petitioner submitted application/representation dated 29.05.2023 to the respondents 2 & 3 requesting them to pass appropriate orders on his pending application. Despite the same, no action was taken by the authorities. Challenging such inaction, the petitioner filed W.P.No.15953 of 2023 before this Court, and by order dated 05.07.2023, this Court disposed of the Writ Petition directing the respondents therein to take necessary action on the petitioner's application/representation dated 29.05.2023 and pass appropriate orders in accordance with law, within a period of four (04) weeks. As the respondent authorities failed to comply with the directions of this Court, the petitioner filed C.C.No.6339 of 2023, and pursuant to the same, a rejection order dated 25.09.2023 was passed rejecting the petitioner's application/representation. Consequently, the Contempt Case was closed, granting liberty to the petitioner to challenge the said rejection order.

3. The averments in the counter affidavit, inter alia, are as follows.

(a) It is stated that as per guidelines of the Andhra Pradesh Pollution Control Board, a new poultry farm shall be established at a minimum distance of 500 meters from any residential area. As the proposed poultry farm of the petitioner is situated at a distance of only 191 meters from B.C. Colony, the permission was not granted. Accordingly, the petitioner's application was rejected by order dated 25.09.2023. As such, the Writ Petition is devoid of merits and it is liable to be dismissed.

4. Heard Sri G. Vijaya Kumar, learned counsel for the petitioner, learned Assistant Government Pleader for respondent Nos.1 to 4 and Sri Venkata Reddy Gajjala, learned Standing Counsel for respondent Nos.5 & 6.

5. Learned counsel for the petitioner submits that that on the instructions given by 6th respondent on 12.05.2023, the petitioner obtained a No Objection Certificate from the residents of B.C. Colony and submitted the same before 6th respondent. Thereafter, the petitioner's application was rejected on the ground that some of the residents of B.C. Colony

had raised objections. In fact, the persons named in the rejection order were not even residents of B.C. Colony. He submits that 6th respondent rejected the application of the petitioner only on political consideration. Challenging the said rejection order, the present writ petition is filed.

6. He further submits that this Court, by order dated 17.10.2025, appointed Sri Rokkam Sai Prakash Reddy, as an Advocate Commissioner to execute the warrant issued by this Court for measuring the distance between the village habitation (last house of the habitation to that side of the village) and the proposed construction of poultry farm was planned in Sy.No581/1A, situated at Marripadu Village, Gurramkonda Mandal, Annamayya District, after issuing notices to the petitioner as well as respondent Gram Panchayat. Pursuant thereto, the Advocate Commissioner executed the warrant on 14.11.2025 at 10:30 p.m., and submitted his report dated 24.12.2025 before this Court.

7. A perusal of the report dated 24.12.2025 goes to show that the proposed construction of poultry farm in Sy.No.581/1A is situated at a distance of 506.6 meters from B.C. Colony. The

record reveals that after lapse of nearly eight months, 6th respondent filed objections to the Advocate Commissioner's report on 07.07.2026. When 6th respondent has objections with regard to the measurement of the distance, no reason was assigned as to why he has not come forward to file his objection petition at the earliest point of time. More so, 6th respondent was present when the survey was conducted by the Advocate Commissioner.

8. This Court is not inclined to go into the aspect of submission of objection petition by 6th respondent at a belated stage. Since 6th respondent was present during the survey conducted by the Advocate Commissioner and the report reveals that the proposed construction of poultry farm is situated at a distance of 506.6 meters from the village habitation, whereas the requisite distance is 500 meters, this Court is inclined to dispose of the Writ Petition by passing the following order.

“The respondent authorities are directed to grant permission to the petitioner to establish the proposed poultry farm within a period of six (6) weeks from the date of receipt of a copy of this order.”

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any, shall stand closed.

JUSTICE K. SREENIVASA REDDY

Date: 27.07.2026
ANS