

APHC010219522026



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

[3330]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 10952/2026

Between:

1. BANDUBAI ABDUL FAIZ,, S/O. BANDUBAI ABDUL SAMAD, AGED ABOUT 56 YEARS, OCC. BUSINESS, R/O.D.NO.12-54/31, SHIVA NANDI NAGAR, BANAGANAPALLI TOWN, NANDYAL DISTRICT, ANDHRA PRADESH - 518 124.
2. B. MUBEENA SHAMEEM,, W/O. BANDUBAI ABDUL FAIZ, AGED ABOUT 50 YEARS, R/O.D.NO. 12-54/31, SHIVA NANDI NAGAR, BANAGANAPALLI TOWN, NANDYAL DISTRICT, ANDHRA PRADESH - 518 124

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO DEPARTMENT OF REVENUE, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI, A.P. - 522 238.
2. THE DISTRICT COLLECTOR, O/O. COLLECTORATE, NANDYAL DISTRICT, ANDHRA PRADESH - 518 501.
3. THE REVENUE DIVISIONAL OFFICER, O/O. REVENUE DIVISIONAL OFFICE, BANAGANAPALLE, NANDYAL DISTRICT, ANDHRA PRADESH - 518 124.
4. THE TAHSILDAR, BANAGANAPALLE, NANDYAL DISTRICT, ANDHRA PRADESH - 518 124.

...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 Writ of Mandamus, declaring the impugned eviction notice vide Rc.A. 163/2026 dt. 17.04.2026 issued by the 4 Respondent under Section 7 of A.P.L.E. Act III of 1905 thereby threatening with coercive action is being illegal, capricious, arbitrary, unconstitutional, without jurisdiction, in violation of principles of natural justice and in violation of Article 21 81 300-A of the Constitution of India and consequentially direct the respondents more particularly the 4th Respondent not to take any coercive steps with reference to the subject residential house of the petitioners pending consideration of the reply dt. 18.04.2026 without following due process of law and pass

IA NO: 1 OF 2026

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 stay of all further proceedings in pursuance of the impugned eviction notice Rc.A. 163/2026 dt. 17.04.2026 issued by the 4th Respondent and pass

IA NO: 2 OF 2026

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 appoint an Advocate Commissioner to note down the physical features of the petitioners property at bearing H.No.12-54/31, Shiva Nandi Nagar, Banganapalle Town, Nandyal District, A.P. - 518 124 by conducting the survey with the support of surveyors who are experts in conducting survey and to find out whether there is any encroachment by the petitioners in Sy.No.80 of Banumukkala Village, Banaganapalle Town & Mandal as alleged in the impugned eviction notice dt. 17.04.2026 at the cost of the petitioners and pass

Counsel for the Petitioner(S):

1.SUBHANI S M

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.10952 OF 2025

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...pleased to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned eviction notice vide Rc.A.163/2026 dt.17.04.2026 issued by the 4th respondent under Section 7 of A.P.L.E.Act III of 1905 thereby threatening with coercive action is being illegal, capricious, arbitrary, unconstitutional, without jurisdiction, in violation of principles of natural justice and in violation of Article 21 & 300-A of the Constitution of India and consequentially direct the respondents more particularly the 4th respondent not to take any coercive steps with reference to the subject residential house of the petitioners pending consideration of the reply dated 18.04.2026 without following due process of law and pass...”

2. Heard Sri S.M.Subhani learned counsel for the petitioners and learned Government Pleader for respondents.

3. It is germane to state a few facts, that the 4th respondent issued eviction notice under section 7 of A.P.L.E. Act III of 1905 (herein after called for short as ‘Act) granting of 7 days time to show cause either in person or in writing, why the petitioner should not be evicted from the Government land to an extent of 80 square yards out of an extent of Ac.10.40 cents in Sy.No.40 situated at Banumukkala village, Banaganepalli Mandal, and forfeiture of the buildings, constructions and things deposited therein under section 6 of the

Act. It is the contention of the writ petitioner that he has not encroached upon the government land as alleged in the impugned notice, further more asserts that he constructed the house in his own land in survey No.97 / B which is zeroyathi and the respondents are threatening to dispossess without considering petitioner's explanation.

4. The learned counsel for the petitioner submits that detailed explanation was submitted to the Tahsildar on 18.04.2026.

5. The learned Government Pleader has placed on record the written instructions undated, addressed by the 4th respondent / Tahsildar. The said written instructions indicates that the land of 80 square yards out of Ac.10.40 cents in S.No.80 of Banumukkala village, Banaganapalle mandal is classified as "Government Poramboku" (G.P), no pattadar mentioned and in remarks column noted as "Jurreru river" and it is river poramboke. As per online adangal the said S.No.80, extent Ac.10.40 cents, pattadar name noted as "Jurreru Vagu" vide 1B khata no. is 20001202. The Mandal Surveyor has surveyed the Jerreru vagu boundary and noticed that part of house (to an extent of 80 square yards) constructed in S.No.80, which is a river poramboke. Hence, Tahsildar, Banaganapalle issued notice under section 7 of A.P.Land Encroachment Act, 1905, which is under process and followed due process of law.

6. It is the case of the petitioner herein that he has constructed the said house in the land in S.No.97/B, and the respondents are trying to dispossess, disputed facts are involved.

7. Hence, without going in to the merits of the case, the present **writ petition is disposed of** directing the Tahsildar / 4th respondent to examine the explanation offered by the petitioner in accordance with the law, before delivering any impugned proceedings against the petitioner herein and also

directed to give an opportunity of personal hearing and communicate the decision to the petitioner as expeditiously as possible preferably within three (03) months from the date of receipt of the order. No coercive steps shall be adopted by the respondents till the consideration of explanation offered by the petitioner against the subject property of the petitioner.

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 23.04.2026
GRL

84

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.10952 of 2026

Date: 23.04.2026
GRL