



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

[3332]

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

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 11760/2026

Between:

1. KAPAVARAPU SATYANARAYANAMMA, W/O LATE KUSALAYYA, AGED 62, R/O D.NO.6-109, ANNAVARAM, SHANKHAVARAM MANDAL, EAST GODAVARI DISTRICT - 523331
2. DOKKA RAM KUMAR,, S/O APPARAO, AGED 46, R/O D.NO.5-262, YELESWARAM, PEDDA VEEDHI, YELESWARAM, EAST GODAVARI DISTRICT. - 523331
3. KOLLI ANANTHALAKSHMI,, W/O APPALA RAMULU, AGED 62, R/O ANNAVARAM, ANNAVARAM POST, SANKAVARAM MANDAL, EAST GODAVARI DISTRICT. - 523331
4. PUTCHAKAYALA VENKATA RAMANAMMA,, W/O PUTCHAKAYALA PARADHA SARADHI, AGED 61, R/O A.ANNAVARAM, SANKHAVARAM MANDAL, EAST GODAVARI DISTRICT. - 523331
5. KOLLI VENKATA PADMA LEELA KUMARI,, W/O EJRAYELU, AGED 57, R/O D.NO.6-255, ANNAVARAM, SANKHAVARAM MANDAL, EAST GODAVARI DISTRICT. - 523331
6. KAPAVARAPU SURYANARAYANA,, S/O KAPAVARAPU KUSALAYYA, AGED 53, R/O D.NO.6-211, ANNAVARAM, SANKHAVARAM MANDAL, EAST GODAVARI DISTRICT. - 523331

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, WATER RESOURCES DEPARTMENT (IRRIGATION DEPT.), A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI-522237.
2. THE SUPERINTENDENT ENGINEER, DOWLESWARAM CIRCLE, KAKINADA DISTRICT-533125
3. THE EXECUTIVE ENGINEER, WATER RESOURCES DEPARTMENT, Y.I DIVISION, PEDDAPURAM, KAKINADA DISTRICT-533437
4. THE ASST EXECUTIVE ENGINEER, SS SAGAR SECTION, WATER RESOURCES DEPARTMENT, ANNAVARAM, KAKINADA DISTRICT-533406
5. THE DEPUTY EXECUTIVE ENGINEER, Y.I SUB DIVISION, PITHAPURAM, KAKINADA DISTRICT-533437

...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 pray that this Writ of Mandamus, declaring the action of respondents in issuing the impugned notices dated 13-2-2026 to demolish/remove petitioners houses situated in Sy Nos. 35 and 36 of Annavaram village, Shankhavaram Mandal, Kakinada District as arbitrary, without jurisdiction, against law and in violation of Article 14 and 300 A of the Constitution of India and consequently set aside the same 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 grant stay of all further proceedings including demolition pursuant to the notices dated 13-2- 2026 issued by 4th respondent in respect of petitioners' houses situated in Sy Nos. 35 and 36 of Annavaram village, Shankavaram Mandal, Kakinada District and pass

Counsel for the Petitioner(S):

1.P VIVEK

Counsel for the Respondent(S):

1.GP FOR IRRI AND CAD

The Court made the following:**ORDER:**

Impugning the notices dated 13.02.2026 issued by the respondents to demolish/remove the petitioners houses situated in Sy.Nos.35 & 36 of Annavaram Village, Shankhavaram Mandal, Kakinada District, the present writ petition is filed.

2. Heard Sri P.Vivek, learned counsel for the petitioners and Sri Satish Kumar, learned Assistant Government Pleader for Irrigation for the respondents.

3. Learned counsel for the petitioner while reiterating the contents of the affidavit contended that the respondents are interfering with the petitioners subject property by issuing the impugned notice without giving any prior show cause notice inviting explanation to the petitioners, as such, the same is wholly unsustainable and in clear violation of principles of natural justice, accordingly, prayed to pass appropriate orders protecting the interest of the petitioners.

4. On the other hand, learned Assistant Government Pleader for Irrigation submitted that the petitioners are encroachers and there is

neither illegality nor procedural irregularity in passing the orders impugned, accordingly, prayed to dismiss the writ petition.

5. A perusal of the record would indicate that the impugned notices dated 13.02.2026 have been issued to the petitioners without giving any prior show cause notice inviting explanation to the petitioners. Though it is styled as notice, virtually a direction has been given to the petitioners to remove the structures in the subject property. As rightly contended by the petitioners, the said impugned notices have been issued in clear violation of principles of natural justice, as such, the same are liable to be set aside on the ground that the authority has issued the impugned notices in clear violation of *Audi Alteram Partem* principle.

6. Accordingly, the writ petition is ***disposed of***. The impugned notice dated 13.02.2026 are hereby set aside. However, the respondent authorities are not precluded to take steps in accordance with law. There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

Date: 30th April, 2026

RKS