

[3332]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE THIRD DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 11330 OF 2025



Between:

Chitikina Ramachandra Rao, S/o. Subba Rao, Aged 53 years, Cultivation,
D.No.2-18, Kodanda Ramalayam Street, Prattipadu Village. West Godavari
District

Petitioner

AND

1. The State of Andhra Pradesh, rep by its Prl. Secretary, Revenue Department, Secretariat, Velagapudi, Guntur District.
2. The Collector & District Magistrate, West Godavari District. Eluru.
3. The Tahsildar, Pentapadu Mandal, West Godavari District. Village Revenue Officer Prattipadu. West Godavari District
4. Village Revenue Officer, Prattipadu, West Godavari District.
5. The Executive Engineer, Irrigation Department, Chettipeta, West Godavari District
6. The Assistant Commissioner, Endowments Department, Bhimavaram, West Godavari.
7. The Mandal Parishad Development Officer, Pentapadu Mandal, West Godavari District.
8. Sadarala Suri Babu and Surya Kumar, s/o Palam Raju, Aged 61 years, D.no.21-3-10, Goods Shed Road, Eluru, West Godavari District. Presently Eluru District.

9. Prathimamba Sametha Sadasiva Swamyvarialayam Trust, D.No.4-12, Prathipadu Village, Pentapadu Mandal, West Godavari District, Rep by its Joint Secretary, Sri Veerla Govindanna Dora Babu.

R9 is impleaded as per the Court's Order dt.03.03.2026 in I.A.No.02 of 2026.

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 more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of Respondents No.2 to 6 in initiating action against the construction of Sivalayam Temple by Respondent no.8 and others adjacent to Eluru Canal Bund by causing obstruction to the flow of water through the irrigation channel to the land of the Petitioner existing in Sy.Nos.7- 10,7-12,7-4,7-5,7-6,7-8,7-9 of Prathipadu Village, Pentapadu Mandal, West Godavari District, despite the Legal Notice dt.02-04-2025 got issued by Petitioner to Respondent Nos.3 to 6 and 8 and others to stop the construction of the temple and to take action by authorities i.e.. Respondent nos.3 to 6 and others, still proceeding with the construction of the temple and permitting with the proceeding with construction, is arbitrary and unlawful and violation of the fundamental rights of the Petitioner guaranteed under Articles 14, 21 and 300A of Constitution of India, by consequently directing the Respondent Nos.2 to 6 to initiate action against the un-authorized construction of the temple over the irrigation channel adjacent to Eluru Canal Bund causing obstruction to the flow of water to the lands of the Petitioner existing in Sy.Nos.7-10,7-12,7-4, 7-5,7-6,7-8,7-9 of Prathipadu Village, Pentapadu Mandal, West Godavari District.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant Interim Direction to the Respondents No.2 to 6,

to stop the construction work of Sivalayam Temple on the irrigation channel adjacent to Eluru Bund Canal, in front of the lands of the Petitioner existing in Sy.Nos.7-10,7-12,7- 4,7-5,7-6,7-8,7-9 of Prattipadu Village, Pentapadu Mandal, West Godavari District until further order of this Hon'ble Court, Pending disposal of WP 11330 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and the earlier order of the High Court dated.01.05.2025 made herein IA.No.1 of 2025 and upon hearing the arguments of Sri P Rajesh Babu, Advocate for the Petitioner, GP for Revenue for the Respondent Nos.1 to 5, GP for Endowments for Respondent No.6 and of Yarraguntla Koteswara Rao, Standing Counsel for Respondent No.7 and the Court made the following.

ORDER

Registry is directed to carry out necessary amendments.

It is brought to the notice of this Court by Sri Chidambaram, learned senior counsel that the Panchayat Raj Department contends that the land belongs to the Zilla Parishad, whereas the Zilla Parishad states that it does not belong to it.

In the said circumstances, for better adjudication, this Court is inclined to direct the Principal Secretary, Revenue Department as well as Principal Secretary, Panchayat Raj Department to look into the issue and determine the ownership of the subject land on which the temple is under construction and submit a report within a period of three (3) weeks.

**Sd/-G.HELNA NAIDU
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Prl. Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The Prl. Secretary, Panchayat Raj & Rural Development, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District. (1 & 2 by RPAD)
3. One CC to Sri. P Rajesh Babu, Advocate [OPUC]
4. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
5. Two CCs to GP for Endowment, High Court of Andhra Pradesh [OUT]
6. One CC to Sri. Yarraguntla Koteswara Rao, Standing Counsel [OPUC]
7. One spare copy

ADP

HIGH COURT

RC,J

DATED:03/03/2026

POST THE MATTERS ON 24.03.2026

ORDER

WP.No.11330 of 2025

DIRECTION

