



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

[3331]

THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 13094/2026

Between:

- 1.KANTA MADHU BABU, S/O. KANTA PAPARAO, PERMANENT RESIDENT OF DOOR NO.12-93/1, MUTLURU VILLAGE, VATTICHERUKURU MANDAL, GUNTUR DISTRICT.522212.
- 2.KANTA SUNI BABU, S/O.KANTA PAPARAO, AGED ABOUT 54 YEARS, (DOOR NO.12-93/1, MUTLURU VILLAGE, VATTICHERUKURU MANDAL, GUNTUR DISTRICT.522212

...PETITIONER(S)

AND

- 1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, AP SECRETARIAT, VELAGAPUDI, AMARAVATHI.52238.
- 2.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, ROADS AND BUILDINGS DEPARTMENT, AP SECRETARIAT, VELAGAPUDI, AMARAVATHI.522238
- 3.THE DISTRICT COLLECTOR, GUNTUR DISTRICT.522002.
- 4.THE DISTRICT PANCHAYAT OFFICE, GUNTUR DISTRICT.522002.
- 5.THE MUTLURU GRAMA PANCHAYAT, REP.BY ITS PANCHAYAT SECRETARY, VATTICHERUKURU MANDAL, GUNTUR DISTRICT.522212.
- 6.THE PANCHAYAT DEVELOPMENT OFFICER, MUTLURUGRAMA PANCHAYAT, VATTICHERUKURU MANDAL, GUNTUR

DISTRICT.522212.

7.THE MANDAL PARISAD DEVELOPMENT OFFICER,
VATTICHERUKURUMANDAL, GUNTUR DISTRICT.522212.

8.THE SUPERINTENDING ENGINEER, ROADS AND BUILDINGS
DEPARTMENT, GUNTUR CIRCLE, GUNTUR DISTRICT. 522002

9.THE EXECUTIVE ENGINEER, ROADS AND BUILDINGS
DEPARTMENT, GUNTUR DIVISION, GUNTUR DISTRICT. .522002.

...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 an order, or a direction, or a writ, more particularly one in the nature WRIT OF MANDAMUS declaring the action of the respondents, including Panchayat authorities and Roads AND Buildings Department officials, in attempting to demolish or interfere with the petitioner's residential house AND shops situated at Door No.12-93/1, Mutluru Village, Vatticherukuru Mandal, Guntur District, without notice, without lawful survey, without hearing and without following due process of law, as illegal, arbitrary and unconstitutional, and consequently direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the said house except by authority of Law and after due procedure, and to 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 direct the respondents not to demolish, dispossess or interfere with the petitioner's residential house& shops at Door No.12-93/1, Mutluru Village, Vatticherukuru Mandal, Guntur District in any manner without following due process of law pending disposal of the writ petition and to pass

Counsel for the Petitioner(S):

1.RAJA MANURI VENKATA SUMANTH

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR ROADS AND BUILDINGS

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

The Court made the following:

::ORDER ::

The petitioners filed the above writ petition to declare the action of respondent No.5 in attempting to demolish the structure/shops bearing D.No.12-93/1 of Mutluru Village, Vatticherukuru Mandal, Guntur District, without issuing any notice, as illegal and arbitrary.

2. Heard Sri Raja Manuri Venkata Sumanth, learned counsel for the petitioners, Sri Panuku Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj, appeared for respondents 1, 3 & 4, Sri Rasheed, learned Assistant Government Pleader for Roads & Buildings, appeared for respondents 2, 8 & 9, and Sri P. Nithin, learned counsel representing Sri M. Sudhir, learned Standing Counsel, appeared for respondents 5 to 7.

3. Learned counsel for the petitioners would submit that the petitioners are the absolute owners and possessors of the structure/shops bearing D.No.12-93/1 of Mutluru Village, Vatticherukuru Mandal, Guntur District, which is their ancestral property. The petitioners have been paying taxes in the name of the deceased father. Be that as it may, the Panchayat Secretary of respondent No.5 attempted to demolish the shops without issuing any notice.

4. The writ petition was listed on 05.05.2026 and adjourned at the request of learned Standing Counsel to get instructions.

5. Today, when the matter is taken up, Sri P. Nithin, learned counsel appearing for Gram Panchayat, on oral instructions of the Panchayat Secretary of respondent No.5 would submit that the Panchayat Secretary will follow due procedure of law. He also would submit that the Panchayat Secretary of the respondent No.5 appeared in the Court. Since the Panchayat Secretary is available in the Court, this Court requested the authority to assist the Court regarding the factual aspects.

6. The Panchayat Secretary of respondent No.5 would submit that neither of the petitioners is residing in Mutluru Village. When the authorities attempted to serve the notices, the tenants of the shops refused to receive the notice, and hence the notices were pasted to the walls. He would further submit that all the other residents in the street removed the encroachments voluntarily, and the formation of the entire road was stalled since the petitioners failed to cooperate. In fact, the shops of the petitioners are located at the beginning of the road. He would also submit that, since there is a dispute regarding conducting a survey, he will ensure a survey will be conducted in two or three days with the assistance of a surveyor, if the petitioners cooperate for the survey to find out encroachments, if any.

7. In reply, learned counsel for the petitioner would submit that the 1st petitioner is residing in Guntur and has been eking out his livelihood. Insofar as the 2nd petitioner is concerned, he is residing in Mutluru Village.

8. Given the facts and circumstances of the case, keeping the writ petition pending, inviting a counter-affidavit will not serve any purpose. Hence, the Writ Petition is disposed of at the stage of admission with the consent of learned counsel appearing on either side, with the following directions:

(i) The Panchayat Secretary of respondent No.5 shall ensure issue of notices to the petitioners or the tenants in the shops by tomorrow itself, regarding the survey, by serving the notices personally or through WhatsApp, indicating the date of the survey.

(ii) The petitioners shall attend the survey being conducted by the officials and cooperate during the survey. The petitioners shall not ask for further time, in view of the urgency involved in this case.

(iii) Based upon the survey report, the Panchayat Secretary of respondent No.5 shall issue notice to the petitioners regarding the encroachments, if any.

(iv) Normally, this Court grants two weeks to issue notice and two weeks thereafter to submit an explanation. However, due to urgency i.e. road formation work has been stalled, this Court fixes four (04)days to the petitioners to submit an explanation to the notice, if issued by the Panchayat Secretary of the 5th respondent.

(v) Thereafter, the Panchayat Secretary of respondent No.5 shall conduct an inquiry and pass appropriate orders and communicate the same to the petitioners.

(vi) Till a reasoned order is passed, the Panchayat Secretary of respondent No.5 shall not interfere with the structure bearing D.No.12-93/1 of Mutluru Village, Vatticherukuru Mandal, Guntur District.

No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 07.05.2026
TVN

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THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.13094 OF 2026

Date: 07.05.2026
TVN