



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

[3331]

FRIDAY, THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 14228/2026

Between:

1. SHAIK NAZEEMUNNISA, W/O LATE MOULALI, AGED ABOUT 85 YEARS R/O D.NO. 3-64, NEKKALLU VILLAGE, THULLURU MANDAL, GUNTUR DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT - 522237.

2. THE COLLECTOR AND DISTRICT MAGISTRATE, GUNTUR DISTRICT, GUNTUR - 522004.

3. THE DISTRICT PANCHAYAT OFFICER, GUNTUR DISTRICT, GUNTUR - 522004.

4. THE MANDAL PARISHAT DEVELOPMENT OFFICER, THULLUR MANDAL, GUNTUR DISTRICT - 522237.

5. THE NEKKALLU GRAM PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY, NEKKALLU VILLAGE, THULLURU MANDAL GUNTUR DISTRICT - 522237

6. THE TAHSILDAR, THULLUR MANDAL, THULLUR, GUNTUR DISTRICT - 522237

...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 or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 5th Respondent in issuing the impugned notice, dated 10-04-2026, seeking removal/demolition of the petitioners house consisting asbestos shed therein admeasuring Ac.0.01 cents in D.No. 85, Door No. 3-64, situate at Nekkallu Village, Thulluru Mandal, Guntur District, without conducting proper enquiry, without verifying the allotment made by the 6th Respondent and the House Property Certificate and without affording any reasonable opportunity to the petitioner, as illegal, arbitrary, violative of principles of natural justice and Articles 14, 21 and 300-A of the Constitution of India, and consequently set aside the same and pass such

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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 may be pleased to stay all further proceedings pursuant to the impugned notice, dated 10-04-2026 issued by the 5th Respondent in respect of the petitioner's house consisting a small RCC daba therein admeasuring Ac.0.01 cents in D.No.85, Door No.3-64 situate at Nekkallu Village, Thulluru Mandal, Guntur District and pass such

Counsel for the Petitioner:

1.KONDETI RANGA SRINIVAS

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR REVENUE

The Court made the following order:

Heard Sri Kondeti Ranga Srinivas, learned counsel for the petitioner, Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development for the respondents 1 and 3, Ms. Usha, learned Assistant Government Pleader for Revenue for the respondents 2 and 6, and

Sri Hruthik, learned counsel representing Sri M.Sudhir, learned Standing counsel for the respondents 4 and 5.

2. Assailing the notice dated 10.04.2026 (Ex.P1) issued by the Panchayat Secretary of the 5th respondent, the petitioner filed the above writ petition.

3. Learned counsel for the petitioner would submit that the then Tahsildar issued a possession certificate dated 15.10.2017 (Ex.P2) in favour of the petitioner's father for an extent of Ac.0.01 cents in Sy.No.88 of Nekkallu Village. Thereafter, the petitioner's father constructed an asbestos shed and has been residing therein. The 5th respondent assessed the structure to tax, and the petitioner has been paying the tax. Be that as it may, a notice dated 10.04.2026 (Ex.P1) was issued without issuing any prior show cause notice or conducting a survey.

4. Sri Hruthik, learned counsel representing Sri M.Sudhir, learned Standing counsel for the respondents 4 and 5, submitted the written instructions of the Panchayat Secretary of the 5th respondent. The operative portion reads as follows:

"It is humbly submitted that Survey No.88 is classified as Cheruvu Poramboke (tank bed land). It is further submitted that nearly 65 families have encroached upon the said land in Survey No.88, and the petitioner is one among such encroachers.

It is respectfully submitted that, with a view to remove the said encroachments, this Gram Panchayat has issued a notice dated

10.04.2026, directing the encroachers to remove the encroachments within a period of thirty (30) days.

It is further submitted that, in the event of non-compliance, the Gram Panchayat shall proceed in accordance with due process of law, as per G.O.Ms.No.188, by issuing further notices, calling for explanations, and providing an opportunity to the concerned persons to submit relevant documents in support of their claims.”

5. Thus, as seen from the written instructions submitted by the Panchayat Secretary of the 5th respondent, no survey was conducted to identify whether the land allegedly encroached upon by the petitioner is in Sy.No.88, classified as tank bed land.

6. As seen from Ex.P2 dated 15.10.2017, the then Tahsildar issued a possession certificate to the petitioner. Thereafter, the petitioner’s father constructed an asbestos shed. The said structure was assessed to tax, and the petitioner has been paying house tax.

7. A perusal of the notice dated 10.04.2026 (Ex.P1), would indicate that some individuals made a complaint in the grievance cell and hence, as indicated *supra*, without conducting a survey and identifying the land in Sy.No.88 or alleged encroachments.

8. In fact, the written instructions of the Panchayat Secretary of the 5th respondent are clear that the authority will follow due procedure.

9. Given the facts and circumstances of the case, inviting a counter and keeping the writ petition pending may not serve any purpose and hence the

writ petition is disposed of, at the stage of admission, with the consent of all the learned counsel, directing the Panchayat Secretary of the 5th respondent not to take any coercive steps pursuant to the notice dated 10.04.2026 (Ex.P1), without following due procedure.

10. However, this order will not preclude the Panchayat Secretary of the 5th respondent from conducting a survey and thereafter proceeding in respect of any encroachments, if any, strictly in accordance with due procedure. There shall be no order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 08.05.2026
SNI

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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Date: 08.05.2026
SNI