



**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: 13929/2026

Between:

1.MEKALA YASHODA, W/O BRAHMAM, AGED ABOUT 65 YEARS, R/O
D.NO. 3-22, 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 3 writ or direction mors 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 petitioner's house consisting Asbestos shed therein admeasuring Ac.0.02 cents in Sy.No.88 D.No.3-22 situate at Nekkallu Village, Thulluru Mandal, Guntur District, without conducting proper enquiry 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

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 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 Asbestos shed therein admeasuring AC.0.02 cents in SY.No.88 Door bearing No 3-22 situate at Nekkallu Village, Thulluru Mandal, Guntur District and pass

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. Impugned 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 petitioner constructed a structure in Sy.No.88 of Nekkallu Village and has been residing therein for the last two decades. The petitioner also obtained an electricity connection from APCPDCL.

4. Be that as it may, the Panchayat Secretary of the 5th respondent issued Ex.P1 notice directing the petitioner to remove the structure, without conducting any inquiry or issuing a show cause notice.

5. Ms. Kavitha, 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.”

6. 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.

7. Ofcourse, the petitioner could not produce any DKT patta or other assignment made by the Revenue officials. However, a perusal of Ex.P2 and P3, there is no dispute regarding the existence of a structure in Sy.No.88 of Nekkallu Village.

8. A perusal of the notice dated 10.04.2026 (Ex.P1), would indicate that some individuals made a complaint in the grievance cell. Acting upon the said complaint, without conducting a survey and identifying the land in Sy.No.88 or alleged encroachments, the notice Ex P.1. was issued.

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

10. 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.

11. 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

149

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 13929 OF 2026

Date: 08.05.2026
SNI