

[ 3548 ]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
(SPECIAL ORIGINAL JURISDICTION)

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

:PRESENT:

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA  
WRIT PETITION NO: 14501 OF 2026



**Between:**

1. K. Guru Raghavendra Rao, S/o K. Nagabhushan Rao, aged about 42 years, Resident of Yemmiganur Town, Kurnool District.
2. K. Vishnuvardhana Rao, S/o K. Nagabhushan Rao, aged about 42 years. Resident of Yemmiganur Town, Kurnool District.

**Petitioner/s**

**AND**

1. The State of Andhra Pradesh, Rep. by the Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Amaravathi.522237
2. Yemmiganur Municipality, Rep by its Municipal Commissioner Kurnool District. 518001
3. The District Collector, Kurnool District.518001
4. The Tahsildar, Yemmiganur Town and Mandal Kurnool District.518360

**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 writ or direction more particularly one in the nature of writ of mandamus, challenging the action of the respondents more specifically Respondent No. 2 in threatening to demolish and dispossess the petitioners from the property which include a small tin shed shop and a well situated in Sy.No. 331/C, to an extent of Ac. 0.23 cents in Yemmiganur Town, Kurnool District, without following due process of law, which is arbitrary,

illegal, and violative of Articles 14, 21 and 300-A of the Constitution of India and also in violation of principles of natural justice and consequently direct the respondents not to demolish or dispossess the petitioner with respect to shop situated in Sy.No. 331/C, to an extent of Ac. 0.23 cents in Yemmiganur Town, Kurnool District without following due process of law.

**IA NO: 1 OF 2026**

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the respondents to maintain status quo with respect to the petitioner shop situated in Sy.No. 331/C, to an extent of Ac. 0.23 cents in Yemmiganur Town, Kurnool District, forthwith during the pendency of the writ petition, Pending disposal of WP 14501 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI T DIWAKAR REDDY, Advocate for the Petitioners, learned GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT for the Respondent Nos.1,3&4, Sri G. LAKSHMI NARAYANA, Standing Counsel for the Respondent No.2, the Court made the following

**ORDER:**

**Heard Sri T.Diwakar Reddy, learned counsel for the petitioners, and learned Assistant Government Pleader for Municipal Administration and Urban Development.**

The petitioners are approaching this Court ventilating their grievance that the respondents, particularly the 2nd respondent, are threatening to demolish and dispossess the petitioners from the property, which also includes a small tin shed shop and a Well situated in Sy.No.331/C to an extent of Ac.0.23 cents in Yemmiganur Town, Kurnool District, without following due process of law, which is arbitrary, illegal and violative of Articles 14, 21 and 300-A of the Constitution of India.

Learned counsel for the petitioners has drawn the attention of this Court to paragraph No.6, wherein it is clearly stated that the respondents are threatening to demolish the shop situated in the subject property by frequently approaching the same, and the said attempt to demolish the said shop without any notice or opportunity violates the principles of natural justice. Therefore, he further asserts that the petitioners are willing to cooperate with the enquiry of any kind, if notice is issued to the petitioners and opportunity is provided.

Sri N. Vijay Kumar, learned counsel for respondent No.2, states that he received instructions from the concerned authority to place before this Court. The instructions contain that the petitioners have encroached upon the remaining portion of the site (except the Well portion) and erected temporary sheds thereon. It is further stated that they approached the Court below through O.S.No.124 of 2007 before the Junior Civil Judge, Yemmiganur, claiming ownership over the site, and the same was dismissed. This Court has taken note of the said facts.

Heard learned counsel for the petitioners and the respondents. It is noted in the present case that the petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India on the ground that Articles 14, 19(1)(g) and 21 of the Constitution of India are infringed. They have also not disputed that the suit was dismissed. But at any rate, when the rights enshrined under the Constitution to a citizen, which have to be scrupulously followed, are denied by the respondents, this Court cannot ignore the same. It is also a settled proposition that even an encroacher is entitled to notice before attempting dispossession, dismantling any structure, or dispossessing the petitioners from the said property.

In **Kanniappan and others vs. A.Perumal and others**<sup>1</sup>, the Hon'ble Supreme Court, at paragraph 3, held as follows:

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<sup>1</sup> (2002) 10 SCC 98

*"3. Without expressing any opinion on the merits of allegations and counter allegation, the following directions, would in our opinion, meet the ends of justice and also protect interest of both the parties. The appeal is accordingly disposed of in terms of the following order:*

- i. The alleged encroachers shall be put on notice. Notices shall be given to such of them as have not been noticed already. The competent authority shall give the alleged encroachers, sought to be dispossessed, a summary hearing and then take a decision of removing encroachments if the competent authority arrives at a finding that the persons noticed are encroachers.*
- ii. If the alleged encroachers avoid service of notice, service shall be effected by affixation.*
- iii. The proceedings shall be concluded expeditiously and within a reasonable time in any case, within a period of four months from the date of communication of this order to the competent authority."*

Going by the said proposition, the respondents are directed to follow due process of law and provide opportunity to the petitioners before taking any coercive action. It is also made clear that the petitioners shall cooperate with the enquiry, if any, conducted by the respondents. Till such exercise is completed, there shall be a direction to the respondents not to take any coercive steps against the petitioners.

List the matter after Summer Vacation, 2026.

//TRUE COPY//

Sd/- U.SRIDEVI  
DEPUTY REGISTRAR

  
SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Amaravathi.522237, State of Andhra Pradesh (BY SPECIAL MESSENGER)
2. The Municipal Commissioner, Yemmiganur Municipality, Kurnool District. 518001
3. The District Collector, Kurnool District.518001
4. The Tahsildar, Yemmiganur Town and Mandal Kurnool District.518360 (Addressee Nos.2 to 4 by RPAD)
5. One CC to SRI. T DIWAKAR REDDY Advocate [OPUC]
6. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV AP ,High Court Of Andhra Pradesh. [OUT]
7. One CC to Sri Lakshmi Narayana, STANDING COUNSEL [OPUC]
8. One spare copy

KJ

HIGH COURT

GTK,J

DATED:15/05/2026

LIST THE MATTER AFTER SUMMER VACATION, 2026

ORDER

WP.No.14501 of 2026

DIRECTION

