

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**MAIN CASE No.W.P.No.14501 of 2026**

**PROCEEDING SHEET**

<b>Sl. No.</b>	<b>DATE</b>	<b>ORDER</b>	<b>OFFICE NOTE</b>
01.	15.05.2026	<p><b><u>GTK,J</u></b></p> <p>Heard Sri T.Diwakar Reddy, learned counsel for the petitioners, and learned Assistant Government Pleader for Municipal Administration and Urban Development.</p> <p>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.</p> <p>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</p>	Contd...

	<p>petitioners and opportunity is provided.</p> <p>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.</p> <p>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</p>	Contd...
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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:

*“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.

Pmk

**GTK,J**

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