



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

[3331]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 14608/2024

Between:

1. SHAIK MASTAN SHARIF, S/O. MAHABOOB SAHEB, AGED ABOUT 66 YEARS, OCC RETIRED EMPLOYEE, R/O. DARGAH STREET, SOMASILA, NELLORE, SPSR NELLORE DISTRICT.
2. SHAIK KALESHA, S/O. PEDDA MASTAN SAHEB, AGED ABOUT 45 YEARS, OCC TAILOR, R/O. DARGAH STREET, SOMASILA, NELLORE, SPSR NELLORE DISTRICT.

...PETITIONER(S)

AND

1. STATE OF ANDHRA PRADESH, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI GUNTUR DISTRICT, REP. BY ITS PRINCIPAL SECRETARY.
2. THE DISTRICT COLLECTOR, SPSR NELLORE DISTRICT.
3. THE DISTRICT PANCHAYAT OFFICER, NELLORE, SPSR NELLORE DISTRICT.
4. SOMILASILA GRAMPANCHAYAT, SOMASILA VILLAGE, ANANTHASAGARAM MANDAL, SPSR NELLORE DISTRICT, REP. BY ITS PANCHAYAT SECRETARY.
5. THE MANDAL PARISHATH DEVELOPMENT OFFICER, ANANTHASAGARAM MANDAL, SPSR NELLORE DISTRICT.

6.SHAIK UMMAR SAHEB, S/O. KAJA HUSSAIN, AGED ABOUT 58 YEARS, OCC BUSINESS, R/O. SOMASILA VILLAGE, ANANTHASAGARAM MANDAL, SPSR NELLORE DISTRICT.

...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 of mandamus or any other appropriate writ or direction declaring action of the respondents in not taking steps for removal of the encroachments made by the 6th respondent in Sy.No.29, situated at Somasila village, Ananthasagaram Mandal, SPSR Nellore District belonging to Peerla Chavidi as illegal, arbitrary, malafide and violation of provisions of A.P.Panchayat Raj Act, 1994 and consequently direct the respondent authorities to remove the encroachments made by the 6th respondent in Sy.No.29, situated at Somasila village, Ananthasagaram Mandal, SPSR Nellore District belonging to Peerla Chavidi

IA NO: 1 OF 2024

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 respondent authorities to remove the encroachments made by the 6th respondent in Sy.No.29, situated at Somasila village, Ananthasagaram Mandal, SPSR Nellore District belonging to Peerla Chavidi, during pendency of the Writ petition

Counsel for the Petitioner(S):

1.C SUBODH

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP FOR PANCHAYAT RAJ RURAL DEV

3.CH C KRISHNA REDDY

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

The Court made the following:**::ORDER::**

Heard Sri C. Subodh, learned counsel for the petitioner; Sri P. Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj, for respondents 4 and 5; Ms. P. Usha, learned Assistant Government Pleader for Revenue, for respondent No.2; Sri M. Sudhir, learned counsel for respondent No.6, for respondents 4 and 5 and Sri Ch.C.Krishna Reddy, learned counsel for respondent No.6.

2. The grievance of the petitioners is that respondent No.4 is not initiating action regarding the encroachment made by respondent No.6 in survey No.29, Somasila Village, Ananthasagaram Mandal, SPSR Nellore District.

3. Learned counsel for the petitioners would submit that earlier respondent No.4 issued two notices, dated 24.08.2023 and 19.10.2023, to respondent No.6, pointing out encroachments. Challenging the said notices, respondent No.6 filed W.P.Nos.22789 of 2023 and 29703 of 2023 and the same were disposed of with a direction to the authority to follow due process of law. Despite the disposal of the above writ petitions, respondent No.4 failed to follow the due process of law. Learned counsel for the petitioner would submit that pending the writ petition, respondent No.4 issued a final notice dated 20.07.2024, to which respondent No.6 submitted an explanation on 26.07.2024. However, respondent No.4 failed to pass appropriate orders.

4. Learned standing counsel for respondent No.4, while not disputing the issuance of final notice dated 20.07.2024 and the explanation submitted by respondent No.6, would submit that respondent No.4 will consider the explanation of respondent No.6 and pass appropriate orders as per law.

5. Given the submission of learned standing counsel, this writ petition is disposed of at the admission stage with the consent of learned counsel on either side, directing respondent No.4 to consider the explanation submitted by respondent No.6, in pursuance to the final notice dated 20.07.2024, issued by respondent No.4 and pass a reasoned order strictly as per the Andhra Pradesh Panchayat Raj Act, 1994 and the Rules made thereunder, after affording an opportunity of hearing to the petitioners as well as respondent No.6.

This exercise shall be completed as expeditiously as possible, preferably within two months from the receipt of a copy of this order. No order as to costs.

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

JUSTICE SUBBA REDDY SATTI

Date: 18.02.2026
IKN

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 14608 of 2024

Date: 18.02.2026
IKN