



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

**[3331]**

**TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX**

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

**WRIT PETITION NO: 18065/2021**

**Between:**

1. REDYAM CHANDRA SEKER REDDY,, S/O LATE SUBBAREDDY,  
AGED. 48 YEARS, RIO DUMPALAGATTU VILLAGE, KHAJIPET  
MANDAL, YSR KADAPA DISTRICT-516163.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL  
SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT  
DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI,  
ANDHRA PRADESH.

2. THE DISTRICT PANCHAYAT OFFICER, YSR KADAPA DISTRICT,  
KADAPA.

3. THE MANDAL PARISHAD DEVELOPMENT OFFICER, , KHAJIPET  
MANDAL, KHAJIPET MANDAL, YSR KADAPA DISTRICT.

4. THE PANCHAYAT SECRETARY, GRAMA PANCHAYAT  
DUMPALAGATTU, KHAJIPET MANDAL, YSR KADAPA DISTRICT. .

5. THE TAHSILDAR, KHAJIPETA MANDAL, KADAPA DISTRICT.

6. THE DISTRICT COLLECTOR, , YSR KADAPA DISTRICT, KADAPA

**...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, writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents 3 and 4 in threatening to demolish the residential house of the Petitioner bearing D.No.1/220-1 in an extent of Ac 0.14 cents situated in Sy.No.1385/2 of

Dumpalagattu Village, Khajipeta Mandal, Kadapa District as illegal, arbitrary, in violation of the Principles of Natural Justice, in violation of Articles 14 and 300-A of the Constitution of India and the provisions of the Andhra Pradesh Panchayat Raj Act 1994 and the Rules made there under and to pass such

**IA NO: 1 OF 2021**

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 respondents not to interfere with the ownership, possession and enjoyment of the residential house bearing D.No.1/220-1 in an extent of Ac. 0.14 cents situated in Sy.No.1385/2 of Dumpalagattu Village, Khajipeta Mandal, Kadapa District pending disposal of the above writ petition and to pass such other

**IA NO: 2 OF 2021**

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 vacate the interim order granted on 25-08-2021 in IA 1/2021 in WP. 18065/2021 and dismiss the above writ petition

**IA NO: 1 OF 2025**

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 vacate the order dated 25.08.2021 passed in I.A No.1 of 2021 in WP No. 18065 of 2021 in the interest of justice and pass

**Counsel for the Petitioner:**

- 1.KASA JAGANMOHAN REDDY

**Counsel for the Respondent(S):**

- 1.GP FOR REVENUE
- 2.GP FOR PANCHAYAT RAJ RURAL DEV
- 3.V VINOD K REDDY (SC FOR ZP MPDO GP)
- 4.Mattegunta.Sudhir,Standing Counsel For Z.P.Ps,M.P.Ps,Gram Panchayats

**The Court made the following order:**

Heard Sri P.Veera Reddy, learned Senior counsel assisted by Sri Kasa Jaganmohan Reddy, learned counsel for the petitioner, Sri P.Rajesh Kumar, learned Assistant Government Pleader for Panchayat Raj and Rural Development for the respondents 1 and 2, Smt. Sushma, learned Government Pleader for Revenue for the respondents 5 and 6, and Sri Hruthik, learned counsel representing Sri M.Sudhir, learned Standing counsel for the respondents 3 and 4.

2. The above writ petition was filed to declare the action of the respondents 3 and 4 in threatening to demolish the petitioner's residential house bearing D.No.1/220-1, situated in an extent of Ac.0.14 cents in Sy.No.138/2 of Dumpalagattu Village, Khajipeta Mandal, YSR Kadapa District, as illegal and arbitrary.

3. The brief facts of the case:

The petitioner inherited Ac.0.14 cents in Sy.No.138/2 of Dumpalagattu Village. The petitioner made an application to the Gram Panchayat seeking permission for the construction of a residential building. The Gram Panchayat, by resolution dated 05.02.2018, accorded permission to construct a Ground + Two Floors building *vide* R.C.No.1/2020-21 dated 05.02.2018 (Ex.P1). Pursuant thereto, the petitioner completed construction in November, 2018, and the Panchayat Secretary issued a completion certificate dated 05.11.2018 (Ex.P2). Due to political rivalry, the respondent authorities attempted to demolish the structure. The petitioner filed W.P.No.11541 of 2020, which was

disposed of on 28.07.2020, directing the respondent authorities to follow due process. Thereafter, without following the procedure, the respondent authorities attempted to demolish the house, and hence, the present writ petition was filed.

4. An interim order was granted on 25.08.2021.

5. A counter affidavit was filed on behalf of the 4<sup>th</sup> respondent, contending, *inter alia*, that the wife of the petitioner discharged her duties as Sarpanch of Dumpalagattu Gram Panchayat during the period 2013 to 2019. The approval to construct a building is defective one. The Deputy Executive Engineer, K.C.C. (Spl) Sub-Division, Mydukur, requested the 5<sup>th</sup> respondent to conduct a survey and identify the encroachments in Dumpalagattu Tank. Accordingly, a survey was conducted on 18.08.2021 and identified the encroachments. The petitioner encroached on the Tank Poramboke land admeasuring Ac.0.14 cents in Sy.No.1388/B and constructed a two-floor residential building illegally. As per R.S.R., an extent of Ac.67.07 cents in Sy.No.1388/B was classified as “Dumpalagattu Cheruvu” and eventually prayed to dismiss the writ petition

6. A separate counter-affidavit was filed by the 5<sup>th</sup> respondent reiterating the averments made in the counter-affidavit filed by the 4<sup>th</sup> respondent.

7. A reply-affidavit was filed on behalf of the petitioner by annexing the copies of the resolution etc.,

8. Sri P.Veera Reddy, learned Senior counsel assisted by Sri Kasa Jaganmohan Reddy, learned counsel for the petitioner, Smt. Sushma, learned

Government Pleader for Revenue for the respondents 5 and 6, and Sri Hruthik, learned counsel representing Sri M.Sudhir, learned Standing counsel for the respondents 3 and 4, reiterated the contents as per the averments made in the affidavit and the counter-affidavits.

9. Thus, as seen from the pleadings and documents, a permission was granted to the petitioner to construct the building *vide* R.C.No.1/2020-21 dated 05.02.2018 (Ex.P1) in Sy.No.1385/2 of Dumpalagattu Village by passing a resolution dated 05.02.2018 (Ex.P3). Thereafter, the petitioner constructed a building, and the Panchayat Secretary issued a certificate dated 05.11.2018 (Ex.P2), and the building has been assessed to tax, for which receipts have been filed.

10. Whether the petitioner encroached upon the Dumpalagattu Cheruvu and made a construction needs to be ascertained by following the procedure under law.

11. As seen from the survey report and the annexure filed along with the counter-affidavits of respondents 4 and 5, no notice was issued to the petitioner or other alleged encroachers before conducting the survey. In fact, a perusal of the report dated 18.08.2021, filed along with the counter-affidavit of the 5<sup>th</sup> respondent, doesn't indicate the persons who attended at the time of the survey. No villagers attended the survey. In an extent of Ac.0.66 cents, according to the report, a Road was formed. The said survey was conducted

in pursuance of the letter addressed by the Deputy Executive Engineer on the oral instructions of the local Member of the Legislative Assembly.

12. Thus, as noted supra, no notice was issued to the petitioner or other encroachers at the time when the survey was conducted. If the petitioner, according to the respondents, made construction in an objectionable land, the competent authority should follow due procedure i.e., issuance of a show cause notice pointing out the violations, providing opportunity to submit an explanation and also hearing the petitioner and passing a reasoned order. The said procedure to be followed aligns with the principles of natural justice. However, in the case at hand, no such procedure was followed by the respondent authorities.

13. Given the facts and circumstances of the case, the writ petition is disposed of, directing the respondent authorities not to interfere with the petitioner's structure bearing D.No.1/220-1 in an extent of Ac.0.14 cents in Sy.No.138/2 of Dumpalagattu Village, Khajipeta Mandal, YSR Kadapa District, without following due procedure. However, this order will not preclude the respondent authorities to follow due procedure known to the law. There shall be no order as to costs.

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

**JUSTICE SUBBA REDDY SATTI**

Date: 17.02.2026  
SNI

253

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

**WRIT PETITION NO: 18065 OF 2021**

Date: 17.02.2026  
SNI