



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

[3327]

MONDAY, THE 3rd DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

WRIT PETITION NO: 18603/2026

Between:

1. THEEGALA SEETHARAM, S/O THEEGALA BALAGURUVU SRESTY, AGED 60 YEARS, PERMANENT ADDRESS D.NO. 49-26-43/1, MADHURA NAGAR, NEAR MUNICIPAL HIGH SCHOOL, AKKAYYAPALEM, VISAKHAPATNAM, ANDHRA PRADESH - 530016, TEMPORARY/PRESENT ADDRESS. FLOOR NO. 21, FLAT NO. 12, LAWSUM OXYGEN TOWERS, NEAR RYTHU BAZAR, SEETHAMMADHARA, VISAKHAPATNAM.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI-522238.

2. THE DISTRICT PANCHAYAT OFFICER, VIZIANAGARAM DISTRICT-535001.

3. THE DISTRICT COLLECTOR, VIZIANAGARAM DISTRICT-535003.

4. THE PANCHAYAT SECRETARY, KOTHAVALASA GRAM PANCHAYAT, KOTHAVALASA VILLAGE, KOTHAVALASA MANDAL, VIZIANAGARAM DISTRICT-535183.

5. TEEGALA SRINIVAS, S/O LATE TEEGALA BALAGURUVU SRESTY, AGED MAJOR. RESIDENT OF FLOOR NO. 21, FLAT NO. 12, LAWSUM OXYGEN TOWERS, NEAR RYTHU BAZAR, SEETHAMMADHARA, VISAKHAPATNAM-530013.

...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, Order or Direction more particularly one in the nature of Writ of Mandamus to declare the inaction on the part of the third respondent (District Collector) and the fourth respondent (Panchayat Secretary, Kothavalasa Gram Panchayat) in removing the illegal constructions made under Assessment No's. 1086 and 1089, located in Survey No. 124/11, Ward No. 8 of Kothavalasa Village, Vizianagaram District, as illegal, arbitrary, and violative of Articles 14, 19, and 21 of the Constitution of India Consequently direct the 3rd respondent/ District Collector and 4th respondent/ Panchayat Secretary to immediately remove the illegal constructions made by the fifth respondent and pass

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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 3rd respondent/ District Collector and 3rd respondent/ District Collector and to take immediate steps to remove the illegal constructions made by the fifth respondent in Assessment Nos. 1086 and 1089, located in Survey No. 124/11, Ward No. 8, Kothavalasa Village and pass

Counsel for the Petitioner:

1.ALLADI RADHAKRISHNA

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following:

ORDER

This Writ Petition is filed seeking the following relief:

“....to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to declare the inaction on the part of the third respondent (District Collector) and the fourth respondent (Panchayat Secretary, Kothavalasa Gram Panchayat) in removing the illegal constructions made under Assessment No's. 1086 and 1089, located in Survey No. 124/11, Ward No. 8 of Kothavalasa Village, Vizianagaram District, as illegal, arbitrary, and violative of Articles 14, 19, and 21 of the Constitution of India Consequently direct the 3rd respondent/ District Collector and 4th respondent/ Panchayat Secretary to immediately remove the illegal constructions made by the fifth respondent and pass such other order...”

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Panchayat Raj.

3. Case of the petitioner is that the Respondent No.5 herein is the elder brother of the petitioner. Both of them are co-owners of the building. The said property was purchased by their mother and her three sisters under a registered Sale Deed dated 13.07.1983. The property covered under Assessment No.1086 has a built-up area of 1,339 square feet and a vacant site admeasuring 230 square yards, whereas the property covered under Assessment No.1089 has a built-up area of 1,849 square feet and a site area of 304 square yards. It is further stated that there was a shortfall in the extent of the petitioner's share as compared to the share that fell to him under the Will executed by his mother and in order to safeguard his share and an additional extent of 25 square yards, the petitioner constructed a compound wall enclosing an extent of approximately 100 square yards, claiming the same to be within his lawful entitlement. It is alleged that Respondent No.5, by engaging certain anti-social elements, damaged and removed the said compound wall, thereby causing the petitioner a loss of approximately Rs.10,00,000/-. It is further alleged that Respondent No.5 damaged the common wall between the portion of the house occupied by the petitioner and his own portion. The petitioner further contends that Respondent No.5 is making efforts to encroach upon and occupy a portion of the petitioner's land

situated on the southern side, in respect of which the petitioner submitted a complaint before Respondent No.4. Based on the said complaint, Respondent No.4 issued a notice dated 17.06.2026 to Respondent No.5, directing him to remove the unauthorized constructions being undertaken without obtaining the requisite permission from the Gram Panchayat. Despite the said notice, Respondent No.5 allegedly failed to remove the unauthorized constructions and continued the encroachment, including encroachment into the petitioner's site. Thereafter, the petitioner was constrained to approach the District Collector, Vizianagaram, and submit a petition before the Grievance Cell on 22.06.2026. Despite repeated representations, no action has been taken for removal of the unauthorized constructions allegedly made by Respondent No.5. Aggrieved thereby, the petitioner filed the present Writ Petition.

4. Today, when the matter is taken up for hearing, learned Assistant Government Pleader for Panchayat Raj and Rural Development, on written instructions, submits that, despite issuance of the notice dated 17.06.2026, Respondent No.5 failed to comply with the same and continued the unauthorized construction. Consequently, the Gram Panchayat issued a second notice dated 09.07.2026, directing the Respondent No.5 to forthwith stop the unauthorized construction. It is further submitted that Respondent No.5 was informed that, in the event of non-compliance, the unauthorized construction would be removed by the Gram Panchayat and the expenditure incurred in that regard would be recovered from him. It was also informed that appropriate civil and criminal proceedings would be initiated against him in accordance with the provisions of the Andhra Pradesh Panchayat Raj Act, 1994, and the Andhra Pradesh Gram Panchayat Building Rules, 1975. The written instructions dated 14.07.2026 are taken on record.

5. In view of the above, particularly the submission that Respondent No.5 is proceeding with the unauthorized construction, Respondent No.4 is directed to follow due process of law and take appropriate steps in accordance with law on the grievance submitted by the petitioner after affording opportunity,

within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition, shall stand closed.

JUSTICE K. SREENIVASA REDDY

Date: 03.08.2026.

MS

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

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