



**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: 18300/2025

Between:

1. GRANDI SURYA VENKATA PRAKASH RAO,, S/O. VEERA BHADRA
RAO, AGED 53 YEARS R/O. D.NO. 8-8/A, MAIN ROAD,
TAPESWARAM VILLAGE, MANDAPETA MANDAL DR.B.R.
AMBEDKAR KONASEEMA DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY PANCHAYAT RAJ AND RURAL
DEVELOPMENT DEPARTMENT SECRETARIAT BUILDINGS AT
VELAGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH.

2. THE DISTRICT PANCHAYAT OFFICER, DR.B.R. AMBEDKAR
KONASEEMA DISTRICT, ANDHRA PRADESH.

3. THE TAPESWARAM GRAM PANCHAYAT, TAPESWARAM VILLAGE,
MANDAPETA MANDAL, DR.B.R. AMBEDKAR KONASEEMA
DISTRICT, ANDHRA PRADESH. REPRESENTED BY ITS
PANCHAYAT SECRETARY.

4. BADAM NAGA VEERA VENKATESH, , S/O. LATE BABU RAO, AGED
25 YEARS, R/O. D. NO. 12-193/A, PEDA KARANAM GARI VEEDHI,
TAPESWARAM VILLAGE, MANDAPETA MANDAL, DR.B.R.
AMBEDKAR KONASEEMA DISTRICT, ANDHRA PRADESH.

...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 or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the 3rd respondent in issuing proceedings in BLRC No. 3/2025-26 dated 11.06.2025 on the file of the Tapeswaram Gram Panchayat, Tapeswaram Village, Mandapeta Mandal, Dr.B.R. Ambedkar Konaseema District, Andhra Pradesh as a non-speaking order which is oppose to principles of natural justice as well as illegal, arbitrary and oppose to Article 300-A of the Constitution of India further, contrary to the order passed by this Honourable Court in WP No. 31557 of 2023 consequentially suspend the proceedings in BLRC No. 3/2025-26 dated 11.06.2025 on the file of the Tapeswaram Gram Panchayat, Tapeswaram Village, Mandapeta Mandal, Dr.B.R. Ambedkar Konaseema District, Andhra Pradesh and to pass

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 may be pleased to suspend the proceedings in BLRC No. 3/2025-26 dated 11.06.2025 on the file of the Tapeswaram Gram Panchayat, Tapeswaram Village, Mandapeta Mandal Dr.B.R. Ambedkar Konaseema District Andhra Pradesh pending disposal of the above writ petition and to pass

IA NO: 2 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 pleased to vacate the interim order dated 26.09.2025 passed in W.P.No.18300 of 2025 with exemplary costs in the interest of justice and to pass

IA NO: 1 OF 2026

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 May be pleased to receive the Reply copy on record by allowing the leave petition in W.P. No.18300 of 2025, and to pass

Counsel for the Petitioner:

1.D TARAKA PRASAD

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.V V N NARAYANA RAO

3.Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja
Parishads,Mandal Praja Parishads and Gra

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

Heard Sri M.V. Shiva Teja, learned counsel representing Sri D. Taraka Prasad, learned counsel for the petitioner, Sri P. Rajesh, learned Assistant Government Pleader for Panchayat Raj for respondents 1 and 2, Ms. Ch. Annapurna, learned counsel representing Sri Y. Koteswara Rao, learned standing counsel for respondent No.3 and Sri V.V. Narayana Rao, learned counsel for respondent No.4.

2. The above writ petition was filed assailing the proceedings issued by respondent No.3 vide BLRC No.3/2025-26 dated 11.06.2025, granting permission to respondent No.4 to construct a residential building at D.No.12-126 and 12-217, in R.S.No.272, Tapeswaram Gram Panchayat, Mandapeta Mandal, Dr.B.R. Ambedkar Konaseema District, Andhra Pradesh, as illegal and arbitrary.

3. The petitioner is a permanent resident of Tapeswaram Village. Originally, the petitioner's mother purchased 28 square yards and 22 square yards, in Tapeswaram Village and Grama Panchayat, Mandapeta Mandal, East Godavari District, vide document Nos.2849 of 1992 and 2850 of 1992, respectively. Respondent No.4 owns land on the northern and eastern sides

of the petitioner's property. A joint lane exists for ingress and egress. Respondent No.4 applied for a building plan for the construction of a residential house. The petitioner made objections to respondent No.3, stating that a civil suit i.e. O.S.No.33 of 2023, filed by the petitioner on the file of the Principal Junior Civil Judge, Alamuru, seeking perpetual injunction in respect of the easement rights, is pending. Hence, the authorities returned the application to respondent No.4. Aggrieved by the said action, respondent No.4 filed W.P.No.31557 of 2023, and the said writ petition was disposed of, directing the authority to pass a reasoned order after affording an opportunity of hearing to the petitioner herein as well as respondent No.4 herein. Thereafter, respondent No.4 made an application to respondent No.3. Respondent No.3 granted permission. While granting permission, respondent No.3 did not provide an opportunity to the petitioner as per the directions in W.P.No.31557 of 2023. Hence, the writ petition.

4. A counter affidavit was filed by respondent No.4. It was contended, *inter alia*, that respondent No.4 acquired 138 square yards, situated at door No.12-193 and 12-194 (old door No.12-216 and 12-217), in survey No.272 (rectified by document No.8015 of 2024 dated 30.12.2024,) vide registered settlement deed bearing No.1298 of 2023 dated 18.04.2023. Since the residential building is in dilapidated condition, respondent No.4 demolished the tiled house and applied to respondent No.3, for permission. Initially, respondent No.3 returned the application on the ground of pendency of O.S.No.33 of 2023, filed by the petitioner. Aggrieved by the same, respondent No.4 filed W.P.No.31557 of 2023 and the same was disposed of on 02.04.2024. Pursuant to the order dated 02.04.2024, respondent No.2 issued notice dated 26.03.2025 to respondent No.4 as well as the writ petitioner to produce respective documents. Respondent No.4 submitted an explanation along with documentary evidence on 28.03.2025, and the petitioner herein failed to

submit an explanation. Thereafter, respondent No.3 granted permission to construct an RCC building. The petitioner had a right of appeal under Section 128 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'), however, without availing the same, he filed this writ petition.

5. Learned counsel on either side reiterated the contentions as per the averments in the writ affidavit and counter affidavit.

6. Thus, as seen from the record, respondent No.3, by following the directions given in W.P.No.31557 of 2023, issued notices to the petitioner as well as respondent No.4. As seen from the proceedings issued by Panchayat Secretary vide R.C.No.25/2024 dated 19.05.2025, filed along with the counter affidavit of respondent No.4, the petitioner failed to submit documents. However, respondent No.4 submitted documents. After affording opportunity to the petitioner as well as respondent No.4, the Panchayat Secretary passed a speaking order on 19.05.2025. The petitioner, for the reasons best known, did not challenge the speaking order, dated 19.05.2025, issued by the Panchayat Secretary of respondent No.3. Thereafter, permission was granted to respondent No.4, vide BLRC No.3/2025-26, dated 11.06.2025, to construct a residential building.

7. In fact, the petitioner filed suit O.S.No.33 of 2023 on the file of Principal Junior Civil Judge, Alamuru, seeking perpetual injunction against respondent No.4, and the said suit is pending. The claim of the petitioner regarding easementary rights cannot be decided in a writ petition.

8. Learned single judge of the composite High Court in **Meher Fatima v. District Collector, Ranga Reddy District, Hyderabad and Others**¹, held that the writ petition under Article 226 of the Constitution of India regarding easementary rights is not maintainable. In fact, as pointed out supra, the

¹ 2006 (2) ALD 440

petitioner failed to submit documents when respondent No.3 issued notice, dated 26.03.2025. As rightly contended by learned counsel for respondent No.4, the petitioner filed the above writ petition without availing the effective remedy under section 128 of the Act.

9. Given the facts and circumstances of the Case, this Court does not find any merit in the writ petition. Hence, the writ petition is liable to be dismissed.

10. Accordingly, the writ petition is dismissed. No costs.

The observations, if any, made in the order will not influence the learned Civil Judge (Junior Division), while adjudicating the suit O.S.No.33 of 2023.

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

JUSTICE SUBBA REDDY SATTI

Date: 18.02.2026
IKN

259

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 18300 of 2025

Date: 18.02.2026
IKN