

APHC010398392025

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI

(Special Original Jurisdiction)



THURSDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 20141 OF 2025

Between:

1. MUNDLAMURI RADHA KRISHNA MURTHY, S/o Pitchaiah, Aged. 70 years, R/o D.No.3-50 Mundia Muri Vari Palem, Cherukur Post, Ponnaluru Mandal, Prakasam District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Panchayatraj and Rural Development, Secretariat, Velagapudi, Amaravati, Guntur District.

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Revenue, Secretariat, Velagapudi, Amaravati, Guntur District.

3. The District Collector, Prakasam District, at Ongole.

4. The Tahsildar, Ponnaluru Mandal, Prakasam District.

5. Mundia Muri Vari Palem Gram Panchayat, Rep. by its Secretary, Mundia Muri Vari Palem, Ponnaluru Mandal, Prakasam District.

...Respondents

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 appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the illegal and high handed action on the part of the respondents particularly the 5th respondent in contemplating to dispossess the petitioner by demolishing RCC Building, Tobacco Barren and other existing structures covered by Door Number 3-50, Survey No. 1251-2, Mundia Muri Vari Palem, Ponnaluru Mandal, Prakasam District, without issuing any notice, without conducting any enquiry and without passing any orders under the guise of forming road on the southern side of the said property, as illegal, arbitrary, malafide, against the principles of Natural Justice, besides violation of Constitutional Guarantees and to consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner in respect of the said property in any manner including demolition and dispossession, in the interest of justice.

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 direct the respondents not to interfere with the possession and enjoyment of the petitioner in respect of the property i.e., RCC Building, Tobacco Barren and other existing structures covered by Door Number 3-50, Survey No. 1251-2, Mundia Muri Vari Palem, Ponnaluru Mandal, Prakasam District, in any manner including demolition and dispossession, during the pendency of the above writ petition in the interest of justice.

Counsel for the Petitioner : K JYOTHI PRASAD

**Counsel for the Respondents (R1) : GP FOR PANCHAYAT RAJ RURAL
DEV**

Counsel for the Respondents (R2 & R4) : GP FOR REVENUE

**Counsel for the Respondents (R5) : MATTEGUNTA SUDHIR (SC FOR
ZPPZ, MPPS GRAM PANCHAYATS)**

The Court made the following ORDER :



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

[3329]

**THURSDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 20141/2025

Between:

1. MUNDLAMURI RADHA KRISHNA MURTHY, S/O PITCHAIAH, AGED.
70 YEARS, R/O D.NO.3-50 MUNDIA MURI VARI PALEM, CHERUKUR
POST, PONNALURU MANDAL, PRAKASAM DISTRICT.

...PETITIONER

AND

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

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF REVENUE, SECRETARIAT,
VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.

3. THE DISTRICT COLLECTOR, PRAKASAM DISTRICT, AT ONGOLE.

4. THE TAHSILDAR, PONNALUR MANDAL, PRAKASAM DISTRICT.

5. MUNDIA MURI VARI PALEM GRAM PANCHAYAT, REP. BY ITS
SECRETARY, MUNDIA MURI VARI PALEM, PONNALUR MANDAL,
PRAKASAM 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 topleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the illegal and high handed action on the part of the respondents particularly the 5th respondent in contemplating to dispossess the petitioner by demolishing RCC Building, Tobacco Barren and other existing structures covered by Door Number 3-50, Survey No. 1251-2, Mundia Muri Vari Palem, Ponnaluru Mandal, Prakasam District, without issuing any notice, without conducting any enquiry and without passing any orders under the guise of forming road on the southern side of the said property, as illegal, arbitrary, malafide, against the principles of Natural Justice, besides violation of Constitutional Guarantees and to consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner in respect of the said property in any manner including demolition and dispossession, in the interest of justice 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 Pleased to direct the respondents not to interfere with the possession and enjoyment of the petitioner in respect of the property i.e., RCC Building, Tobacco Barren and other existing structures covered by Door Number 3-50, Survey No. 1251-2, Mundia Muri Vari Palem, Ponnaluru Mandal, Prakasam District, in any manner including demolition and dispossession, during the pendency of the above writ petition in the interest of justice and to pass

Counsel for the Petitioner:

1.K JYOTHI PRASAD

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR REVENUE

The Court made the following:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 20141/2025****ORDER:**

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“.....pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the illegal and high handed action on the part of the respondents particularly the 5th respondent in contemplating to dispossess the petitioner by demolishing RCC Building, Tobacco Barren and other existing structures covered by Door Number 3-50, Survey No. 1251-2 Mundia Muri Vari Palem, Ponnaluru Mandal, Prakasam District, without issuing any notice, without conducting any enquiry and without passing any orders under the guise of forming road on the southern side of the said property, as illegal, arbitrary, malafide, against the principles of Natural Justice, besides violation of Constitutional Guarantees and to consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner in respect of the said property in any manner including demolition and dispossession, in the interest of justice and to pass.....”

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the Gram Panchayat appearing for the respondents.
3. The learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the property bearing Door No.3-50, Sy.No.1251-2, Mundia Muri Vari Palem, Ponnaluru Mandal, Prakasam District.

He further submits that as per the revenue records, the subject land was classified as the Government land but described as anadhinam, and it was occupied by the villagers and got constructed the houses including by the petitioner and residing therein.

4. It is further submitted that the house/property tax issued by the Gram Panchayat, along with the electricity bills, clearly establishes that the petitioner has been in continuous possession and enjoyment of the subject house property.
5. The petitioner further submits that, pursuant to G.O.Ms.No.30, Revenue (Lands.I) Department, dated 29.01.2025, any unauthorized occupation of unobjectionable Government land in the form of dwelling units is eligible for regularization in accordance with the terms of the said Government Order. Since the subject land is an unobjectionable Government land and is specifically categorized as Anadhinam, the petitioner is entitled to regularization under the terms set forth in the aforementioned G.O. Moreover, the petitioner has been residing there since long time. Therefore, the petitioner cannot be evicted from possession of the subject property without following the due process of law.
6. On the other hand, the learned Standing Counsel for the Gram Panchayat, pursuant to the instructions, submits that the respondent Gram Panchayat is not attempting to evict the petitioner from the subject property.

The Gram Panchayat is merely undertaking the leveling of the road situated in front of the petitioner's house, which is an existing rasta (public pathway).

7. Having regard to the submissions made by the learned counsel for the petitioner, the learned Standing Counsel for the Gram Panchayat and on perusal of the material placed on record, this Court is of the considered view that the present Writ Petition can be disposed of directing the respondent Nos.4 & 5 herein, not to interfere with the petitioner's peaceful possession and enjoyment of the subject property without following the due process of law as per the provisions of the Panchayat Raj Act, 1994.

8. The learned Standing Counsel for the Gram Panchayat is directed to inform the order of this Court to the respondent-Gram Panchayat.

9. In the result, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

//TRUE COPY//

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Department of Panchayatraj and Rural Development, Secretariat, Velagapudi, Amaravati, Guntur District.

2. The Principal Secretary, State of Andhra Pradesh, Department of Revenue, Secretariat, Velagapudi, Amaravati, Guntur District.

3. The District Collector, Prakasam District, at Ongole.
4. The Tahsildar, Ponnalur Mandal, Prakasam District.
5. Mundia Muri Vari Palem Gram Panchayat, Secretary, Mundia Muri Vari Palem, Ponnalur Mandal, Prakasam District.
6. One CC to SRI. K JYOTHI PRASAD Advocate [OPUC]
7. One CC to SRI. MATTEGUNTA SUDHIR (SC FOR ZPPZ, MPPS GRAM PANCHAYATS)
8. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV High Court of Andhra Pradesh [OUT]
9. Two CCs to GP FOR REVENUE High Court of Andhra Pradesh [OUT]
10. Two CD Copies

HIGH COURT
DATED:31/07/2025

ORDER
WP NO. 20141 OF 2025



DISPOSING THE WP WITHOUT COSTS