



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

[3329]

**TUESDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 20785/2025

Between:

1.KARRI RAMA SURI APPA RAO, S/O.RAMANA APPARAO, AGED ABOUT 32 YEARS, R/O.KASIMKOTA VILLAGE, KASIMKOTA MANDAL, ANAKAPALLE DISTRICT.

...PETITIONER

AND

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

2.KASIMKOTA GRAM PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY, KASIMKOTA VILLAGE AND MANDAL, ANAKAPALLE 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, or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.2 in issuing Urgent Notice vide Rc.No.01/2025,PS, dated 2-8-2025 and Urgent Notice-2, dated 4-8-2025 and threatening to demolish the Petitioners fruit shop situated opposite to Gram Panchayat Office, Kasimkota Village and

Mandal, Anakapalle District, as arbitrary, illegal, unconstitutional, against to principles of natural justice and contrary to the provisions of Andhra Pradesh Panchayat Raj Act, and to 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 grant stay of all further proceedings pursuant to the Urgent Notice dated 2-8-2025 and Urgent Notice-2, dated 4-8-2025 issued by the Respondent No.2, pending disposal of the above writ petition, and to pass

Counsel for the Petitioner:

1. BOLLA VENKATA RAMA RAO

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 20785/2025****ORDER:**

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

“.....pleased to issue a Writ, or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.2 in issuing Urgent Notice vide Rc.No.01/2025,PS, dated 2-8-2025 and Urgent Notice-2, dated 4-8-2025 and threatening to demolish the Petitioner’s fruit shop situated opposite to Gram Panchayat Office, Kasimkota Village and Mandal, Anakapalle District, as arbitrary, illegal, unconstitutional, against to principles of natural justice and contrary to the provisions of Andhra Pradesh Panchayat Raj Act, and to pass.....”

2. Heard learned counsel for the petitioner and learned Standing Counsel appearing for the respondents.

3. The learned counsel for the petitioner submits that the petitioner, being a graduate, was unable to secure employment and had repeatedly requested the respondent authorities through Grama Sabhas to allot a site for running a business. In response, in the year 2023, the 2nd respondent-Gram Panchayat allocated a site to the petitioner. Pursuant to this, the petitioner established a fruit shop at the allotted premises, located opposite to the Gram Panchayat Office at Kasimkota Village and Mandal, Anakapalle, and has been operating the said shop since then. Following the allotment, the petitioner was issued a

No Objection Certificate (NOC) by the 2nd respondent on 26.04.2023 to obtain an electricity service connection. Accordingly, the petitioner secured an electricity connection bearing SC.No.11716711011009227 and has been conducting business without any interference or hindrance from the respondents. However, to the petitioner's utter surprise, on 02.08.2025, the 2nd respondent, acting on a complaint received against the petitioner, issued a notice vide Rc.No.01/2025/PS, directing the petitioner to submit all relevant documents, including the allotment or permission orders concerning the said premises, within 24 hours. The notice further warned that failure to comply would entitle the respondents to take further action in accordance with the law. In response, the petitioner submitted a detailed explanation on 04.08.2025, asserting that the premises were duly allotted in his favour, assessed for property tax, and that an NOC was issued by the 2nd respondent for obtaining an electricity connection. In view of these facts, the petitioner contends that the respondents cannot dispossess him without affording a fair and reasonable hearing, as mandated by law. Despite this, on the same day, the petitioner received another urgent notice alleging that he had encroached upon the subject premises.

4. He further submits that, as per the ratio laid down by this Court and the Hon'ble Apex Court, even an encroacher is entitled to *audi altrem partem* (hear the both sides). Therefore, the impugned notice dated 04.08.2025 is liable to be set aside.

5. On the other hand, the learned Standing Counsel for the respondents furnished a copy of the written instructions dated 05.08.2025, clarifying that the No Objection Certificate (NOC) issued to the petitioner was granted solely for the purpose of availing an electricity service connection and did not confer any right of occupation or authorization to establish a shop at the subject premises.

6. It is observed that no evidence has been placed on record by the learned counsel for the petitioner, in response to the notice dated 02.08.2025, to substantiate the petitioner's claim or to establish any legal right over the subject premises. In the absence of such proof, the respondents are entitled to initiate eviction proceedings, as the subject premises is classified as Government land vested with the Gram Panchayat.

7. Upon careful consideration of the submissions advanced by both learned counsel, and on perusal of the material placed on record, it is observed that the notices issued by the 2nd respondent, dated 02.08.2025 and 04.08.2025, appear to be in contravention of the provisions of the Andhra

Pradesh Panchayat Raj Act, 1994, as well as the well-established principles of law laid down by this Court and the Hon'ble Supreme Court.

8. Being a public authority, the respondents are obligated to follow proper administrative procedures while initiating any action against the petitioner, which includes the principles of natural justice as well as the principles of fair and reasonableness.

9. On perusal of the notices dated 02.08.2025 and 04.08.2025 issued by the 2nd respondent Gram Panchayat, it is observed that the requirements to substantiate the claims as mentioned above have not been complied with.

10. The contents of the notices dated 02.08.2025 and 04.08.2025, issued to the petitioner, demanding submission of documents and explanation within 24 hours, are contrary to the principles of fair and reasonableness. Furthermore, issuing a subsequent notice on the very same day without duly considering the petitioner's explanation also violates these principles. Therefore, the impugned notices issued by the 2nd respondent Gram Panchayat are inconsistent with the aforementioned principles and, accordingly, the notices dated 02.08.2025 and 04.08.2025 are liable to be set aside.

11. Accordingly, the Writ Petition is allowed by setting aside the notices dated 02.08.2025 and 04.08.2025, issued by the 2nd respondent Gram Panchayat. However, it is needless to observe that the 2nd respondent Gram

Panchayat is at liberty to proceed further in accordance with law by observing the principles as mentioned above. There shall be no order as to costs.

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

VENKATESWARLU NIMMAGADDA, J

05.08.2025
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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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