



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

[3329]

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

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 21245/2025

Between:

1. SHAIK KHADAR VALLI @ MUBHARAK, S/O. ABDUL MAZID, AGED ABOUT 50 YEARS, R/O. FATHIMA NAGAR, CHINAGOTTIGALLU, BHAKARAPET, TIRUPATHI DISTRICT.

...PETITIONER

AND

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

2. THE COMMISSIONER, PANCHAYATRAJ RURAL DEVELOPMENT, STATE OF ANDHRA PRADESH, TADEPALLI, GUNTUR DISTRICT.

3. THE DISTRICT COLLECTOR, TIRUPATHI DISTRICT, TIRUPATHI.

4. THE DISTRICT PANCHAYATH OFFICER, TIRUPATHI DISTRICT AT TIRUPATHI.

5. THE TAHSILDAR, CHINNAGOTTIGALLU MANDAL, TIRUPATHI DISTRICT. BHAKARAPET GRAM PANCHAYATH REP., BY ITS PANCHAYATH SECRETARY, CHINNAGOTTIGALLU MANDAL, TIRUPATHI DISTRICT.

6. BHAKARAPET GRAM PANCHAYATH, REP., BY ITS PANCHAYATH SECRETARY, CHINNAGOTTIGALLU MANDAL, TIRUPATHI 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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents especially the6th respondent in resorting to dispossess the petitioner by demolishing the petitioner house bearing door no.4-8 in Sy.No.52 admeasuring Ac.0-04 V2 cents situated in Bhakarapet Village, Chinnagottigallu Mandal of Tirupathi District without considering petitioner explanation, dated 26-05-2025 and without following the procedure established by law., as illegal arbitrary and unconstitutional., and consequently direct the respondents not to interfere with the petitioner peaceful possession and enjoyment of the aforesaid house property., 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 petitioner peaceful possession and enjoyment of the petitioner house bearing door no.4-8 in Sy.No.52 admeasuring Ac.0-041\2 cents situated in Bhakarapet Village, Chinnagottigallu Mandal of Tirupathi District., and pass

Counsel for the Petitioner:

1.G VENKATA REDDY

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: 21245 of 2025****ORDER:**

The present writ petition is filed under Article 226 of the Constitution of India seeking following relief:

“to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents especially the 6th respondent in resorting to dispossess the petitioner by demolishing the petitioner house bearing door no.4-8 in Sy.No 52 admeasuring Ac.0.04 ½ cents situated in Bhakarapet Village, Chinnagottigallu Mandal of Tirupathi District without considering petitioner explanation dated 26.05.2025 and without following the procedure established by law as illegal, arbitrary and unconstitutional and consequently direct the respondents not to interfere with the petitioner peaceful possession and enjoyment of the aforesaid house property and to pass such other order or orders...”

2. Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development and learned Standing Counsel for Gram Panchayat appearing for the respondents.

3. Learned counsel for the petitioner submits that the petitioner herein is the absolute owner and possessor of the house bearing D.No.4-8 in Sy.No.52 admeasuring to an extent of Ac.0.04½ cents situated at Bhakarapet Village, Chinnagottigallu Mandal, Tirupathi District, having acquired the same through a registered sale deed in the year 1976. Since then, the petitioner has been in

peaceful possession and enjoyment of the subject property of the petitioner without there being any interference or hindrance from any quarter. While so, without considering the long standing possession of the petitioner, the 6th respondent- Gram Panchayat issued a show cause notice dated 21.05.2025 alleging that the petitioner herein encroached an extent of Ac.0.05 cents of Government tank land in Sy.No.53 and further directed the petitioner herein to submit his explanation to the said show cause within a period of seven days from the date of receipt of a show cause notice. Pursuant to the same, the petitioner herein submitted his detailed explanation on 26.05.2025 within a period of one week as directed in the notice. But, without considering the said explanation, the respondents are threatening the petitioner to dispossess from the subject property. Hence, the writ petition.

4. On the other hand, learned Government Pleader for the respondents submits that as per the recitals of the notice, the petitioner encroached an extent of Ac.0.05 cents of Government tank poramboke land and made construction in the subject land. He further submits that in the said show cause notice, it is clearly mentioned that the petitioner herein is directed to submit his written explanation within a period of seven days from the date of receipt of the notice along with any supporting evidence and reasons as to why the petitioner should not be vacated from the said land. But the explanation submitted by the petitioner is without there being any documents substantiating his right and title over the subject property. He further submits that since the petitioner herein submitted his explanation pursuant to the

show cause notice issued by the respondents, the respondents will consider the same and pass appropriate orders, in accordance with law, within a reasonable time. Without passing any order, the 6th respondent-Gram Panchayat will not finalize the impugned proceedings and dispossess the petitioner from the subject property.

5. Considering the submissions made by both the learned counsel and on perusal of the material placed on record, it is observed that the petitioner has been in settled possession and enjoyment of the subject property since 1976 and the subject possession was also proved by filing additional documents such as property tax receipts and electricity bills. Moreover, as alleged by the respondents, if the petitioner occupied/ encroached an extent of Ac.0.05 cents of Government tank land, other than the land acquired by the petitioner through registered sale deed, the respondent authorities shall demarcate the encroached land and property of the petitioner by conducting due survey and demarcation by observing the procedure as contemplated under the Andhra Pradesh Survey and Boundaries Act, 1923. In the instant case, having received the explanation submitted by the petitioner on 26.05.2025 being the public authority, the respondent authorities shall consider the same and pass appropriate orders, after conducting specific survey and demarcation in respect of the alleged encroachment said to have been made by the petitioner against the Government tank land.

6. In view of the facts and circumstances as stated above, respondent Nos. 5 and 6 are hereby directed to consider the explanation dated

26.05.2025 submitted by the petitioner pursuant to the show cause notice dated 21.05.2025 issued by the respondents and pass appropriate orders, after conducting survey and demarcation between the land of the petitioner and the land encroached by the petitioner as alleged by the respondents, by following the procedure as contemplated under the Andhra Pradesh Survey and Boundaries Act, 1923, within a period of three (03) months from the date of receipt of a copy of this order. In the meanwhile, the respondents are directed not to interfere with the peaceful possession and enjoyment of the subject property of the petitioner.

7. With the above directions, 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.

VENKATESWARLU NIMMAGADDA, J

12.08.2025
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