



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

[3330]

**WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

**PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No.20992 of 2024

Between:

1. UPPULURI JITENDER, S/O. SUBRAHMANYAM AGED 48 YEARS, OCC CULTIVATION R/O. H.NO. 2-70/2, ITHAMPUDI VILLAGE IRAGAVARAM MANDAL, WEST GODAVARI DISTRICT ANDHRA PRADESH
2. SEETHALA MANGATHAYARU, W/O. YEDUKONDALU AGED 48 YEARS, OCC HOUSEWIFE, R/O. H.NO. 2-63/1 ITHAMPUDI VILLAGE, IRAGAVARAM MANDAL, WEST GODAVARI DISTRICT, ANDHRA PRADESH
3. KARRI JAGANNADHA REDDY, S/O. BHADRADRI RAMI REDDY AGED 67 YEARS, OCC CULTIVATION R/O. D.NO. 2-64 ITHAMPUDI VILLAGE, IRAGAVARAM MANDAL, WEST GODAVARI DISTRICT, ANDHRA PRADESH
4. PAPPU CHALLA REDDY, S/O. SUBBIREDDY AGED 80 YEARS, OCC CULTIVATION R/O. H.NO. 2-66 ITHAMPUDI VILLAGE, IRAGAVARAM MANDAL, WEST GODAVARI DISTRICT, ANDHRA PRADESH

...PETITIONER(S)

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, ROADS AND BUILDINGS DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATI, VELAGAPUDI, GUNTUR DISTRICT.
2. THE EXECUTIVE ENGINEER, R AND B DEPARTMENT, BHIMAVARAM W.G. DISTRICT, AP
3. THE DEPUTY EXECUTIVE ENGINEER, R AND B DEPARTMENT, TANUKU, W.G. DISTRICT ANDHRA PRADESH
4. THE ASSISTANT ENGINEER, R AND B DEPARTMENT, PENUGONDA, W.G. 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, order or direction more particularly one in the nature of a writ of mandamus declaring the Notice dt.17-09-2024 issued by the 4TH Respondent directing us to show cause why the constructions alleged to have been made by the petitioners by encroaching upon the R AND B Road i.e. Marteru - Prakkilanka at Ithampudi Village, Irragavaram Mandal, West Godavari District, AP, should not be removed, without any power or authority as highly illegal, arbitrary, contrary to law and also violative of Art. 19 and 300-A of the Constitution of India and consequently to set aside the same.

Counsel for the Petitioner(S):

1.YASWANTH GADE

Counsel for the Respondent(S):

1.GP FOR ROADS BUILDINGS

The Court made the following:

ORDER:

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

".... to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the Notice dt.17.09.2024 issued by the 4th Respondent directing us to show cause why the constructions alleged to have been made by the petitioners by encroaching upon the R AND B Road i.e. Marteru - Prakkilanka at Ithampudi Village, Irragavaram Mandal, West Godavari District, AP, should not be removed, without any power or authority as highly illegal, arbitrary, contrary to law and also violative of Art.19 and 300-A of the Constitution of India and consequently to set aside the same and pass such other orders....."

2. The petitioners herein filed W.P.No.20290 of 2024 before this Court to declare the action of the respondent Nos.2 to 5 therein in proposing to demolish the petitioners' residential houses bearing D.Nos.2-70/2, 2-63/1, 2-64 and 2-66 situated by the side of R & B Road in their private sites at Ithampudi Village, Irragavaram Mandal, West Godavari District, under the guise of improvement of the said road without giving any notice and without acquiring the sites in which the residential houses were constructed. The said Writ Petition was disposed of, vide order dated 12.09.2024, directing the respondents

therein not to dispossess the petitioners from their residential houses or not to demolish the petitioners' residential houses, except by following due process of law. As directed by this Court, the respondents have issued the present impugned notice calling for explanation from the petitioners herein as to why the illegal constructions should not be removed within seven days, otherwise, the respondents will take action.

3. The said notice dated 17.09.2024 was assailed in the present Writ Petition on the ground that the said notice was issued without any power or authority and the said action is highly illegal, arbitrary, contrary to law and violative of Articles 19 and 300A of the Constitution of India.

4. It is the specific case of the respondents that the petitioners have encroached land of an extent of Ac.0.02 cents in R.S.No.1 of Itampudi Village, Iragavaram Mandal. Learned counsel appearing for the writ petitioners orally argued that the respondents ought to have issued notice under the provisions of the Panchayat Raj Act and the same was not pleaded in the affidavit filed in support of the Writ Petition and it is well settled proposition of law that against a show cause notice, no Writ Petition is maintainable. In this regard, this Court relies on the judgment of ***Union of India Vs. Hindustan Development Corporation Limited***

reported in (1998)9 SCC 576 : Interference in show cause notice stage involving investigation into facts. Though the judgment is not a precedent, the Supreme Court held that quashing of the show cause notice arises on the reply to the show cause notice filed by the petitioners, so that the adjudicating process may take place.

5. There is a controversy relating to the title of the property. As the dispute expounded regarding encroachment, evidence is necessitated to establish both the fact of encroachment and its extent before passing a final order.

6. Hence, this Court feels it appropriate to direct the petitioners to submit an explanation to the show cause notice dated 17.09.2024 within a period of four (4) weeks from the date of receipt of a copy of this order from the date of receipt of a copy of this order. On submitting such explanation, the respondents are directed to examine the same and pass appropriate orders.

7. With the above direction, the present Writ Petition is dismissed with costs of Rs.3,000/- (Rupees three thousand only) payable to the Andhra Pradesh High Court Chief Justice Relief Fund within a period of

two weeks. If the writ petitioners failed to pay the said costs, the Registry shall take appropriation action against the writ petitioners.

As a sequel thereto, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 22.04.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.20992 of 2024

Date: 22.04.2026

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