



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

[3329]

THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 21134/2025

Between:

1. BORIGARLA ANUSUYAMMA,, W/O. RAMACHANDRAIAH, AGED 64
YEARS, OCC HOUSEWIFE, R/O. GOLLAPALLE
VILLAGE, CHEJERLA MANDAL, SPSR NELLORE DISTRICT

...PETITIONER

AND

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

2. THE DISTRICT COLLECTOR PANCHAYAT WING, SPSR NELLORE
DISTRICT AT NELLORE.

3. THE DISTRICT PANCHAYAT OFFICER, SPSR NELLORE DISTRICT.

4. GOLLAPALLI GRAM PANCHAYAT, REP. BY ITS , EXECUTIVE
AUTHORITY-CUM-PANCHAYAT SECRETARY, GOLLAPALLI
VILLAGE, CHEJERLA MANDAL, SPSR NELLORE DISTRICT.

5. THE TAHSILDAR, CHEJERLA MANDAL, SPSR NELLORE DISTRICT.

6. STATION HOUSE OFFICER, CHEJERLA POLICE STATION, SPSR
NELLORE 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, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents, particularly respondents 5 and 6 at the instance of 4th respondent in insisting me to vacate from my house site property of an extent of Ac. 0.01 72 cents covered by S.No. 104 situated at Gollapalli Panchayat of Chejerla Mandal in SPSR Nellore District, without following any known procedure established by law as illegal, irregular, irrational, without any authority or sanction of law, violative of principles of natural justice and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere in any manner with my possession and enjoyment over my said house site property

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 in any manner with my peaceful possession and enjoyment over my house site property of an extent of Ac. 0.01 72 cents covered by S.No. 104 situated at Gollapalli Panchayat of Chejerla Mandal in SPSR Nellore District, nor insist us to vacate therefrom, pending disposal of the main Writ Petition

Counsel for the Petitioner:

1. PETLURI NAGA RAJU

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

2. GP FOR HOME

3. GP FOR REVENUE

The Court made the following:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 21134/2025

ORDER:

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

“.....pleased to issue a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents particularly respondents 5 and 6 at the instance of 4th respondent in insisting me to vacate from my house site property of an extent of Ac.0.01½ cents covered by S.No.104 situated at Gollapalli Panchayat of Chejerla Mandal in SPSR Nellore District, without following any known procedure established by law as illegal, irregular, irrational, without any authority or sanction of law, violative of principles of natural justice and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere in any manner with my possession and enjoyment over my said house site property.....”

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

3. Considering the petitioner's long-standing possession, the then Tahsildar, i.e., the 5th respondent, issued a possession certificate in favor of the petitioner for the subject property. Since then, the petitioner has been in continuous and uninterrupted possession of the property and has constructed a house thereon without any interference or hindrance. However, to the utter

surprise of the petitioner, on 26.05.2025, the 4th respondent issued a notice alleged to have been served upon the husband of the petitioner stating that the construction of the compound wall poses a health hazard due to rearing of livestock adjacent to the Anganwadi kids school. The notice further stated that such rearing of livestock cannot be permitted within the vicinity of kids school and directed the petitioner not to rear the livestock within the vicinity of the Anganwadi school, where kids/children are feeding.

4. He further submits that although the notice was served on the husband of the petitioner, the same was neither communicated nor brought to the notice of petitioner herself.

5. On the other hand, the learned Standing Counsel categorically submits that the subject notice was served upon the petitioner's husband and therefore, serving of notice to the inmate of the house/husband is deemed service on the part of the petitioner. He further submits that the petitioner may submit her explanation to the notice dated 26.05.2025, the same would be considered by the Gram Panchayat and pass speaking order.

6. Considering the submissions made by both the learned counsel and on perusal of the material available on record, this Court is of the considered view that the present Writ Petition can be disposed of directing the petitioner to submit a detailed explanation to the notice dated 26.05.202, within a period of two (02) weeks from the date of receipt of a copy of this Order. Upon such

submission, the 4th respondent-Gram Panchayat shall consider the same with reference to the possession certificate dated 11.06.2008 issued by the 5th respondent and also consider if any permission was granted by the Gram Panchayat for construction of the alleged compound wall, after providing an opportunity of personal hearing to the petitioner and other stakeholder, if any, particularly, the Anganwadi school, within a period of two (02) months from the date of receipt of a copy of this order. In the meanwhile, the respondents are restrained from interfering with the peaceful possession and enjoyment of the property of the petitioner.

7. The learned Standing Counsel is directed to inform the order of this Court to the respondents.

8. 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.

VENKATESWARLU NIMMAGADDA, J

07.08.2025

Note: Issue CC by tomorrow
B/o.SCH

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THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.21134 of 2025

07.08.2025

Note: Issue CC by tomorrow

B/o.SCH