

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY ,THE TWENTY SECOND DAY OF AUGUST

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 22488 OF 2025



Between:

1. Nagari Subbamma, W/o Srinivasulu, Aged about 71 years, R/o D.No.1/232, Idamadaka Village and Panchayat, Duvvr Mandal, Jamalamadugu Revenue Division, YSR Kadapa District.
2. Nagari Subhashini, W/o Nagari Sreekanth, Aged about 42 years, R/o D.No. 1/232, Idamadaka Village and Panchayat Duvvur Mandal, Jamalamadugu Revenue Division, YSR Kadapa District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation and Command Area Development Department, Secretariat, Amaravati, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj Department, Secretariat, Amaravathi, Guntur District.
3. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Amaravathi, Guntur District.
4. The State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Secretariat, Amaravathi, Guntur District.

5. The District Collector, YSR Kadapa District, Collectorate Buildings, YSR Kadapa District.
6. The Joint Collector, Y.S.R. Kadapa District, Collectorate Buildings, YSR Kadapa District.
7. The Revenue Divisional Officer, Jammalamadugu, YSR Kadapa District.
8. The Tahsildar, Duvvur Mandal, Jammalamadugu, YSR Kadapa District.
9. The District Panchayat Officer, YSR Kadapa District.
10. The Divisional Panchayat Officer, Duvvur Mandal, Jammalamadugu Division, YSR Kadapa District.
11. The Idamadaka Gram Panchayat, Duvvur Mandal, YSR Kadapa District, Rep. by its Panchayat Secretary.
12. The Assistant Engineer, KC Canal Section, Rajoli, YSR Kadapa District.
13. The Manday Surveyor, Duvvar Mandal, YSR Kadapa District.
14. The Mandal Revenue Inspector, Duvvar Mandal, YSR Kadapa District.
15. The Mandal Supervisor, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.
16. The Superintendent of Police, Duvvar Mandal, YSR Kadapa District.
17. The Circle Inspector, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.
18. The Station House Officer, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring

a) The Proceedings vide bearing No.D.Dis(E3)/LEA/37/2025 dated 04.08.2025 (Received on 12.08.2025 at 4.20 PM) issued by the Respondent No.6 as de hors jurisdiction, per se illegal, manifestly arbitrary, unreasonable and violative of Articles 14, 19, 21 and 300-A of the Constitution of India and in utter violation of Principles of Natural Justice besides being contrary to the provisions contemplated under Andhra Pradesh Land Encroachment Act, Andhra Pradesh Panchayat Raj Act, Andhra Pradesh Survey and Boundaries Act and Rules made thereunder; and

b) The consequential action of Respondents in demolishing and threatening to dispossess the Petitioners from property inclusive of house structure admeasuring Ac.0.04 1/3 Cts in Sy.No.621 (Old Sy.No.69) and Ac.0.03 Cts in Sy.No.621 (Old Sy.No.69) situated at Idamakada Village, Duvvur Mandal, YSR Kadapa District with boundaries East Highway Road, West KC Bungalow, North Open land. South KC Canal and Service Connection No.2611213000203 (APCPDCL) as de hors jurisdiction and ultra vires the vested powers, per se illegal, manifestly arbitrary, vindictive, preposterous, reprehensible, unjust, irrational, whimsical and violative of Articles 14, 19, 21 and 300-A of the Constitution of India and in utter violation of Principles of Natural Justice besides being contrary to the provisions contemplated under Andhra Pradesh Land Encroachment Act, Andhra Pradesh Panchayat Raj Act, Andhra Pradesh Survey and Boundaries Act and Rules made thereunder; and

c) To consequently direct the Respondents not to dispossess the Petitioners from property inclusive of house structure admeasuring Ac.0.04 1/3 Cts in Sy.No.621 (Old Sy.No.69) and Ac.0.03 Cts in Sy.No.621 (Old Sy.No.69) situated at Idamakada Village, Duvvur Mandal, YSR Kadapa District with boundaries East: Highway Road, West: KC Bungalow, North: Open land, South: KC Canal and Service Connection No.2611213000203 (APCPDCL) and

d) To consequently direct the Respondents to pay damages of Rs.5,00,000/- as compensation towards the loss sustained by the Petitioners against the illegal and unauthorized action of Respondents in demolishing house structure in property admeasuring Ac.0.04 1/3 Cts in Sy.No.621 (Old Sy.No.69) and Ac.0.03 Cts in Sy.No.621 (Old Sy.No.69) situated at Idamakada Village, Duvvur Mandal, YSR Kadapa District with boundaries East: Highway Road, West: KC Bunglow, North: Open land. South: KC Canal and Service Connection No.2611213000203 (APCPDCL).

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to desist the Respondents from dispossessing the Petitioners from property inclusive of house structure admeasuring Ac.0.04 1/3 Cts in Sy.No.621 (Old Sy.No.69) and Ac.0.03 Cts in Sy.No.621 (Old Sy.No.69) situated at Idamakada Village, Duvvur Mandal, YSR Kadapa District with boundaries; East: Highway Road, West: KC Bunglow, North; Open land. South: KC Canal and Service Connection No.2611213000203 (APCPDCL), Pending disposal of WP 22488 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri AKULA SRI KRISHNA SAI BHARGAV Advocate for the Petitioners, GP FOR IRRI AND CAD for the Respondent Nos.1 & 3; GP FOR PANCHAYAT RAJ for the Respondent Nos.2 & 9; GP FOR Revenue for the Respondent Nos.3,5 to 8, 13, 15; GP FOR Home for the Respondent Nos.4, 16, 17 & 18; and the Court made the following:

ORDER

"Heard learned counsel for the petitioners, learned Assistant Government Pleader for Revenue & Irrigation and learned Standing Counsel for the respondents.

The present writ petition is filed challenging the proceedings dated 04.08.2025 passed by respondent No.6 herein, wherein the appeal preferred by the petitioners under Section 10 of Andhra Pradesh Land Encroachment Act, 1905, was dismissed in the light of the judgment passed by the Hon'ble Supreme Court and as well as this Court, for protecting the water body lands.

The grievance of the petitioners is that though the impugned proceedings were passed on 04.08.2025, the same was served on the petitioners on 12.08.2025 and immediately on 18.08.2025 itself the respondents have initiated action to demolish the petitioners' structures even without giving any time to the petitioners to prefer revision before the Government.

It is also the case of the petitioners that the petitioners are running a Dhaba in the said premises and the respondents herein, as directed by this Court in writ petition Nos.6917 & 7092 of 2025, without even conducting any enquiry and without serving a copy of the survey report to the petitioners, have passed the impugned order and thereafter, demolished the part of the petitioners' structures, affecting the petitioners' business.

Learned Assistant Government Pleader for Revenue has furnished a copy of the instructions of the Tahsildar, dated 21.08.2025, wherein, it is stated that Tahsildar has already evicted the petitioners from the land to an extent of Ac.0.05 cents in survey No.621/1, Idamadaka Village, in pursuance of the impugned orders dated 04.08.2025. However, the learned Assistant Government Pleader has failed to furnish a copy of the Panchanama recorded during the course of eviction/demolition.

In view of the same learned Assistant Government Pleader for Revenue, Irrigation and learned Standing Counsel for the Gram Panchayat are directed to file detailed counter(s) in the present case.

Post the matter after four (4) weeks.

Till such time, both parties are directed to maintain status quo as on today. It is needless to say that the petitioners are at liberty to prefer revision before appropriate authority challenging the impugned order dated 04.08.2025.”

Sd/- K.TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

For

To,

1. The Principal Secretary, Irrigation and Command Area Development Department, State of Andhra Pradesh, Secretariat, Amaravati, Guntur District.
2. The Principal Secretary, Panchayat Raj Department, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District.
3. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District.
4. The Principal Secretary, Home Department, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District.(1 to 4 by SPECIAL MESSENGER)
5. The District Collector, YSR Kadapa District, Collectorate Buildings, YSR Kadapa District.
6. The Joint Collector, Y.S.R.Kadapa District, Collectorate Buildings, YSR Kadapa District.

7. The Revenue Divisional Officer, Jammalamadugu, YSR Kadapa District.
8. The Tahsildar, Duvvur Mandal, Jammalamadugu, YSR Kadapa District.
9. The District Panchayat Officer, YSR Kadapa District.
10. The Divisional Panchayat Officer, Duvvur Mandal, Jammalamadugu Division, YSR Kadapa District.
11. The Idamadaka Gram Panchayat, Duvvur Mandal, YSR Kadapa District, Rep. by its Panchayat Secretary.
12. The Assistant Engineer, KC Canal Section, Rajoli, YSR Kadapa District.
13. The Manday Surveyor, Duvvar Mandal, YSR Kadapa District.
14. The Mandal Revenue Inspector, Duvvar Mandal, YSR Kadapa District.
15. The Mandal Supervisor, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.
16. The Superintendent of Police, Duvvar Mandal, YSR Kadapa District.
17. The Circle Inspector, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.
18. The Station House Officer, Idamadaka Village, Duvvar Mandal, YSR Kadapa District. (5 to 18 by RPAD)
19. One CC to SRI. AKULA SRI KRISHNA SAI BHARGAV Advocate [OPUC]
20. Two CCs to GP FOR IRRI AND CAD ,High Court Of Andhra Pradesh. [OUT]
21. Two CCs to GP FOR PANCHAYAT RAJ ,High Court Of Andhra Pradesh. [OUT]
22. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh. [OUT]
23. Two CCs to GP FOR HOME ,High Court Of Andhra Pradesh. [OUT]
24. **One spare copy**

HIGH COURT

VS,J

DATED:22/08/2025

POST THE MATTER AFTER FOUR (4) WEEKS

ORDER

WP.No.22488 of 2025

DIRECTION

