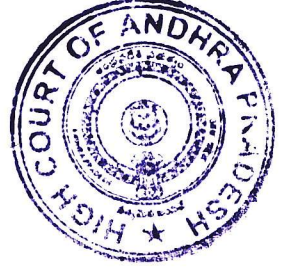




IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)



FRIDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 27214 OF 2025

Between:

1. Gunakala Subbarayudu, S/o. Late Gangaiah, Aged 80 years, Occ: Senior Citizen, Door No. (6/511 old) 3/140-10-3.
2. Guniputi Subbaratnamma, S/o. Late Venkata Narasimhulu, Aged 85 years, Occ: Senior Citizen.
3. Guniputi Subbaratnamma, W/o. Ranga Reddy, Aged 67 years, Occ: Senior Citizen, Door No-3/140-10.
4. Gunakala Chakrapani, S/o. Subbarayudu, Aged 45 years, Occ: Cultivation, Door No-3/140-10-3.
5. Karmala Sreenu, S/o. Meerachary, Aged 70 year, Occ: Carpenter, Door No- 3/140-A.
6. Kuppa Ramesh Babu, S/o. Subramanyam, Aged 53 years, Occ: Press Reporter.
7. Thallapaneni Sankaraiah, S/o. Chandraiah, Aged 64 years, Occ: Cultivation, Door No-3/140-7-1.
8. Gunakala Sudhakar, S/o. Subbarayudu, Aged 56 years, Occ: Cultivation, Door No-3/140-10-4.
9. Chundu Narasimhulu, S/o. Pullaiah, Aged 56 years, Occ: Cultivation, Door No- 3/140-7.

(All the above are residents of Krishna Nagar, R.S.Road, Kuchuvaripalle Village and Panchayath, Rajampet Mandal, Annamayya District, Erstwhile Kadapa District).

...PETITIONERS

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary to Government, Panchayat Raj and Rural Development Department, Secretariat, Amaravathi, Guntur District.
2. The District Collector (Panchayat Wing), Annamayya District, at Rayachoti.
3. The Revenue Divisional Officer, Rajampeta- Division at Rajampeta, Annamayya District.
4. The District Panchayat Officer, Annamayya District at Rayachoti.
5. The Tahsildar cum Executive Magistrate, Rajampeta Mandal, Annamayya District.
6. The Kuchuvaripalle Grama Panchayat, Rep. by its Executive Authority-cum- Panchayat Secretary, Kuchivaripalli Village, Rajampeta Mandal, Annamaya District
7. Gutha Bujji Babu, S/o. Late Chengaiah Naidu, aged 45 years, Occ: Business, R/o. SV Nagar, Rajampeta Town and Mandal, Annamayya District.
8. Gutha Chitti Babu, S/o. Late Chengaiah Naidu, aged 43 years, Occ: Business, R/o. SV Nagar, Rajampeta Town and Mandal, Annamayya District.

...RESPONDENTS

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 inaction of Respondents particularly

Respondent No's. 3 to 6 on Petitioners representation, dated 12.09.2025 submitted for out by the in Sy. No. 640 of Kuchivaripalh Village and Panchayat, Rajampeta Mandal, Annamayya prevention of illegal encroachment/ construction being carried Respondent No's 7 and 8 in a Public Road situated District Erstwhile Kadapa District without having any permission, thereby causing permanent inconvenience, depriving the Petitioners for their ingress and egress., as illegal, irregular, irrational and amount to non-discharge of legal obligation conferred on them under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and Rules framed thereunder and offends Articles 14, 19 and 21 of Constitution of India and consequently direct the Respondents particularly Respondent No's 3 to 6 to prevent such encroachment and restore the Public Road free from any encroachments by removing already constructed portion thereof.

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 particularly Respondent No's 3 to 6 to prevent illegal encroachment/ construction being carried out by the Respondent No's 7 and 8 in a Public Road situated in Sy. No. 640 of Kuchivaripalli Village and Panchayat, Rajampeta Mandal, Annamayya District, Erstwhile Kadapa District by considering Petitioners representation dated 12.09.2025, pending disposal of the main Writ Petition.

Counsel for the Petitioners: SRI PALA KARTHI KIRAN

Counsel for the Respondent Nos.1,2 & 4: GP FOR PANCHAYAT RAJ

AND RURAL DEVELOPMENT

Counsel for the Respondent Nos.3 & 5:GP FOR REVENUE

**Counsel for the Respondent No.6: SRI M. SUDHIR, SC FOR ZPP, MPP &
GRAM PANCHAYAT**

Counsel for the Respondent Nos.7 & 8:----

The Court made the following order:



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

[3329]

FRIDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE
PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 27214/2025

Between:

1. GUNAKALA SUBBARAYUDU, S/O. LATE GANGAIAH, AGED 80 YEARS OCC- SENIOR CITIZEN, DOOR NO- (6/511 OLD) 3/140-10-3.
2. GUNIPUTI SUBBARATNAMMA, S/O. LATE VENKATA NARASIMHULU, AGED 85 YEARS, OCC- SENIOR CITIZEN.
3. GUNIPUTI SUBBARATNAMMA, W/O. RANGA REDDY, AGED 67 YEARS, OCC- SENIOR CITIZEN, DOOR NO- 3/140-10.
4. GUNAKALA CHAKRAPANI, S/O. SUBBARAYUDU, AGED 45 YEARS, OCC- CULTIVATION, DOOR NO-3/140-10-3.
5. KARMALA SREENU, S/O. MEERACHARY, AGED 70 YEAR, OCC- CARPENTER, DOOR NO- 3/140-A.
6. KUPPA RAMESH BABU, S/O. SUBRAMANYAM, AGED 53 YEARS, OCC-PRESS REPORTER.
7. THALLAPANENI SANKARAIAH, S/O. CHANDRAIAH, AGED 64 YEARS, OCC- CULTIVATION, DOOR NO-3/140-7-1.
8. GUNAKALA SUDHAKAR, S/O. SUBBARAYUDU, AGED 56 YEARS, OCC- CULTIVATION, DOOR NO-3/140-10-4.
9. CHUNDU NARASIMHULU, S/O. PULLAIAH, AGED 56 YEARS OCC- CULTIVATION, DOOR NO- 3/140-7. (ALL THE ABOVE ARE RESIDENTS OF KRISHNA NAGAR, R.S.ROAD, KUCHUVARIPALLE VILLAGE AND PANCHAYATH, RAJAMPET MANDAL, ANNAMAYYA DISTRICT, ERSTWHILE KADAPA DISTRICT).

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
PANCHAYAT RAJ AND RURAL DEVELOPMENT

DEPARTMENT, SECRETARIAT, AMARAVATHI, GUNTUR DISTRICT.

2. THE DISTRICT COLLECTOR PANCHAYAT WING, THE DISTRICT COLLECTOR (PANCHAYAT WING), ANNAMAYYA DISTRICT, AT RAYACHOTI.
3. THE REVENUE DIVISIONAL OFFICER, RAJAMPETA-DIVISION AT RAJAMPETA, ANNAMAYYA DISTRICT.
4. THE DISTRICT PANCHAYAT OFFICER, ANNAMAYYA DISTRICT AT RAYACHOTI.
5. THE TAHSILDAR CUM EXECUTIVE MAGISTRATE, RAJAMPETA MANDAL, ANNAMAYYA DISTRICT.
6. THE KUCHUVARIPALLE GRAMA PANCHAYAT, REP. BY ITS EXECUTIVE AUTHORITY-CUM- PANCHAYAT SECRETARY, KUCHIVARIPALLI VILLAGE, RAJAMPETA MANDAL, ANNAMAYYA DISTRICT
7. GUTHA BUJJI BABU, S/O. LATE CHENGAIHAH NAIDU, AGED 45 YEARS, OCC- BUSINESS, R/O. SV NAGAR, RAJAMPETA TOWN AND MANDAL, ANNAMAYYA DISTRICT.
8. GUTHA CHITTI BABU, S/O. LATE CHENGAIHAH NAIDU, AGED 43 YEARS, OCC- BUSINESS, R/O. SV NAGAR, RAJAMPETA TOWN AND MANDAL, ANNAMAYYA 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 inaction of Respondents particularly Respondent No s. 3 to 6 on Petitioners representation, dated 12.09.2025 submitted for out by the in Sy. No. 640 of Kuchivaripalh Village and Panchayat, Rajampeta Mandal, Annamayya prevention of illegal encroachment/ construction being carried Respondent Nos 7 and 8 in a Public Road situated District Erstwhile Kadapa District without having any permission, thereby causing permanent inconvenience, depriving the Petitioners for their ingress and egress., as illegal, irregular, irrational and amount to non-discharge of legal obligation conferred on them under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and Rules framed thereunder and offends Articles 14, 19 and 21 of Constitution of India and consequently direct the Respondents particularly Respondent Nos 3 to 6 to prevent such encroachment and restore the Public Road free from

any encroachments by removing already constructed portion thereof and pass

Counsel for the Petitioner(S):

1.PALA KARTHI KIRAN

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR REVENUE

3.DEVINENI RADHA RANI

THE HON'BLE SRI JUSTICE VENAKTESWARLU NIMMAGADDA

WRIT PETITION NO.27214 OF 2025

This Court made the following

ORDER:

Heard learned counsel for the petitioners and learned Standing Counsel for Respondent No.6 – Gram Panchayat and perused the material placed on record.

2. Learned counsel for the petitioners submits that the Respondent Nos.7 and 8 are making illegal construction by encroaching cart track, public road situated in Sy.No.640 of Kuchivaripalli Village and Panchayat, Rajampeta Mandal, Annamayya District. Learned counsel for the petitioners submits that as per the endorsement issued by the Tahsildar, Rajampeta, the land in Sy.No.640 is classified as "Public Road / Rasta. He further canvassed that once the land is earmarked or notified as "Public Road", the same cannot be allowed to convert for any other purpose. Hence the Writ Petition.

3. On the other hand, learned Standing Counsel for Respondent No.6 – Gram Panchayat submitted written instructions furnished by the 6th Respondent dated NIL.10.2025 wherein it is stated as under:

- "On Sri G. Subbarayudu (petitioner herein) and 12 others of Krishna Nagar, Rajampeta Town has applied that they have got

a land in front of the house of G. Subbarayudu (Petitioner herein) in Sy.No.640 situated in Rajampeta proposed to form a road.

- Further, one Sri Chngaiah Naidu has objected for the formation of road on the ground that the vacant land does not belong to Sy.No.640.
- Further, the petitioner has requested to the Revenue Authorities that the land in Sy.No.640 may be measured and fixup the boundaries to be shown;
- The Mandal Surveyor, Rajampeta has measured the above land and fixed the boundaries for Survey Number 640 of Rajampeta.
- The Mandal Surveyor, Rajampeta has reported that in front of Sri G. Subbarayudu house (petitioner herein) in Sy.No.640.
- Finally, the Mandal Surveyor, Rajampeta has reported that, there is no objection for formation of road in front of Sri G. Subbarayudu (Petitioner herein) house in the public interest and take necessary action in the matter and the proposed road not in Sy.No.824.
- Further, once again the Tahsildar, Rajampeta has inspected the disputed land and reported that, the Mandal Surveyor Rajampeta has reported that, the previous Mandal Surveyors, Rajampeta and D.I. of Survey and IRS Revenue Divisional Officer, Rajampeta have surveyed the dispute land in Sy.No.640 and reported that the Rastha which is in front of resident house of the Petitioner Sri Gunakala Subbarayudu (Petitioner herein) is existed in Sy.No.640 not in Sy.No.824 i.e., the petitioner's land."

4. Considering the submissions of both the learned counsel and written instructions furnished by 6th Respondent as well as material placed on record, it is clear and categorical that the land in Sy.No.640 situated at Kuchivaripalli Village and Panchayat, Rajampeta Mandal, Annamayya District is classified/notified as "Public Rastha" and that once particular land is notified as "Public Rastha", which is a community property, the same cannot be allowed for any encroachments and same cannot be converted for any other purpose. The contention of learned counsel for the petitioners is that the unofficial respondents without there being any

authority or permission are proceeding with the construction by encroaching the subject land in Sy.No.640 and the 6th Respondent – Gram Panchayat is not taking any action is not sounds merit for the reason that as per the instructions submitted by the 6th respondent herein in respect of the dispute regarding the public rasta was determined after having surveyed and demarcated and concluded that it was a Public Rasta. However if any encroachments in respect of the said Public Rasta, the same cannot be allowed and permitted as canvassed by petitioners herein.

5. Therefore, this Court is inclined to dispose of the present Writ Petition directing the 6th Respondent – Gram Panchayat, if any encroachments said to have been made by unofficial respondents in respect of Public Rasta in Sy.No.640, the same shall be removed by following due process of law as contemplated.

6. With the above directions, the present Writ Petition is disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

Sd/- SRI T.SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary to Government, Panchayat Raj and Rural Development Department, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District.

2. The District Collector (Panchayat Wing), Annamayya District, at Rayachoti.
3. The Revenue Divisional Officer, Rajampeta- Division at Rajampeta, Annamayya District.
4. The District Panchayat Officer, Annamayya District at Rayachoti.
5. The Tahsildar cum Executive Magistrate, Rajampeta Mandal, Annamayya District.
6. The Executive Authority-cum- Panchayat Secretary, Kuchuvaripalle Grama Panchayat, Kuchivaripalli Village, Rajampeta Mandal, Annamaya District
7. One CC to Sri Pala Karthi Kiran, Advocate [OPUC]
8. One CC to M/s. Devineni Radha Rani, Advocate [OPUC]
9. One CC to Sri M. Sudhir, SC for ZPP, MPP & Gram Panchayat[OPUC]
10. Two CCs to GP for Panchayat Raj & Rural Development, High Court of Andhra Pradesh [OUT]
11. Two CCs to GP for Revenue, High Court of Andhra Pradesh [OUT]
12. Two CD Copies.

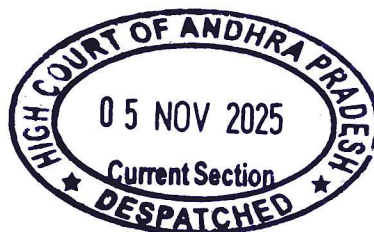
ssb

HIGH COURT

DATED:17/10/2025

ORDER

WP No. 27214 OF 2025



DISPOSING OF THE W.P. WITHOUT COSTS