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APHC010518652025



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

[3332]

WEDNESDAY, THE 1st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 27372/2025

Between:

1. MAADIREDDY NAGABABU,, S/O RAMAKRISHNA, AGED ABOUT 35 YEARS, R/O VARIDHANAM VILLAGE, PALAKOLLU MANDAL, WEST GODAVARI DISTRICT

...PETITIONER

AND

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

2. THE DISTRICT COLLECTOR, (PANCHAYAT WING), WEST GODAVARI DISTRICT, PALAKOL.

3. THE TAHSILDAR, PALAKOLLU MANDAL, WEST GODAVARI DISTRICT.

4. THE DISTRICT PANCHAYAT OFFICER, PALAKOL, WEST GODAVARI DISTRICT.

5. THE DIVISIONAL PANCHAYAT OFFICER, PADAKOL, WEST GODAVARI DISTRICT.

6. THE LANKALA KODERU GRAM PANCHAYAT, REP. BY ITS SECRETARY, VARIDHANAM, PALAKOL MANDAL, WEST GODAVARI DISTRICT. CT AMENDED AS PER COURT ORDER

DT.07.11.2025 IN I.A.NO.2 OF 2025.

7.CHEELI KANTHAMMA, W/O ELIA, AGED ABOUT 60 YEARS, R/O D NO. 5.30, LANKALA KODRU, PALAKOL(M), WEST GODAVARI DISTRICT

8.CHEELI RAMESH, S/O UNKNOWN, AGED ABOUT 50 YEARS, R/O D NO. 5.30, LANKALA KODRU, PALAKOL(M), WEST GODAVARI DISTRICT

9.ANGARA RAMUDU, S/O VENKANNA, AGED ABOUT 58 YEARS, R/O D NO. 5.28, LANKALA KODRU, PALAKOL(M), WEST GODAVARI 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 writ, or direction especially one in the nature of WRIT OF MANDAMUS declaring the action of the respondent Nos. 1 to 6 in not taking any action to protect the existing land of Village Drinking Water Tank (Cheruvu Poramboku land) situated in Sy, No. 440-2 of Lakalakoderu Village, Palacole Mandal, West Godavari District, which is earmarked for purpose of drinking water Tank which was encroached by Respondents No. 7 to 9 without any permissions constructing house and established a church under the name Calvary Holy Temple, as illegal arbitrary and violation of rule 26 of Andhra Pradesh Gram panchayat land development (Layout out and building) rules, 2002, GO Ms no. 376 dated 29-11-2012 and GO.Ms. No. 188 dated 21-07-2011 and Article 14 and 21 of the Constitution of India, and consequently to direct the respondents No. 4 and 5 to remove the illegal constructions or encroachments of existing land of Village Drinking Water Tank (Cheruvu Poramboku land) in Sy No. 440-2 of Lakalakoderu Village, Palacole Mandal, West Godavari District and 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 to direct the to direct respondent No. 4 to consider the petitioner's representation dated 01-09-2025 and 25-08-2025 given it for illegal encroachments in the existing Village Drinking Water Tank (Cheruvu Poramboku land) situated in Sy No. 440-2 of Lakalakoderu Village, Palacole

Mandal, West Godavari District pending disposal of Writ Petition pending disposal of the above writ petition and pass

IA NO: 2 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 permit the petitioner to amend the cause title in the writ affidavit, Petition and Interlocutory application by replacing the words in the cause title at 6th respondent "The Gutlapadu Gram Pandhayat, Rep. by Its Secretary, Varidhanam, Palakol Mandat, West Godavari District" with the words "The Lankala koderii Gram Panchayat, Rep. by its Secretary, Varidhanam, Palakol Mandal, West Godavari District." and pass

IA NO: 1 OF 2026

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 review the order Dt.07.11.2025 passed in W.P.No.27372 of 2025 and pass

IA NO: 2 OF 2026

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 dispense with the filing of certified copy of order Dt.07.11.2025 passed in W.P.No.27372 of 2025 and pass

IA NO: 3 OF 2026

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 suspend the order of the Learned Judge Dt.07.11.2025 in W.P. No.27372 of 2025 and pass

IA NO: 4 OF 2026

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 stay all further proceedings pursuant to the notices Dt. 17.12.2025 and 24.12.2025 issued by the 7th respondent Gram Panchayat and pass

Counsel for the Petitioner:

1.DWARAMPUDI SAVITHRI

Counsel for the Respondent(S):

- 1.GP FOR PANCHAYAT RAJ RURAL DEV
- 2.GP FOR REVENUE
- 3..

The Court made the following order:**IA NO: 1 OF 2026**

The present application is filed seeking to review the order dated 07.11.2025 passed in W.P.No.27372 of 2025.

2. Heard Sri Vijay Kumar, learned Senior counsel representing learned counsel for the review petitioners.

3. Learned senior counsel for the review petitioners submitted that the review petitioners are respondent nos.7 & 8 in the writ W.P.No.27372 of 2025. He further submitted that, the said writ petition is filed questioning the action of the respondent authorities in not taking any action against constructions made by the respondent nos.7 & 8 (review petitioners herein) without any permissions, encroaching the 'Cheruvu Poramboke land' in Sy.No.440-2 of Lakalakoderu Village, Palacole Mandal, West Godavari, which is earmarked for the purpose of drinking water tank. This Court has disposed of the said writ petition on 07.11.2025 directing the respondents concerned to take necessary steps in accordance with law, if any encroachments are found in the subject land classified as cheruvu poramboke by following the guidelines in W.P(PIL).No.140 of 2022 and by

giving proper show cause notice inviting explanation to all the encroachers and opportunity of being heard within a period of three (03) months from the date of receipt of a copy of order.

Learned senior counsel further submitted that, in fact the respondent nos.7 & 8 (review petitioners herein) filed their vakalath on 05.11.2025 and counter on 06.11.2025 duly narrating the facts in detail along with the material to substantiate that the subject property is the private property and the review petitioners are residing in the subject property by constructing houses after obtaining necessary permission from the concerned department. He further submitted that, unfortunately, the said counter was returned and on 07.11.2025, this court has disposed of the writ petition. He further submitted that, though there are no positive directions given to the authorities, the authorities are treating the review petitioners as encroachers and are trying to take steps. He further submitted that, in the writ appeal filed by the review petitioners vide W.A.No.23 of 2026, the Division Bench has given liberty to the review petitioners to file a review petition before the learned single judge who has passed the orders 07.11.2025 passed in W.P.No.27372 of 2025. As such, filed the present application and accordingly prayed to pass appropriate orders in that regard.

4. Perused the record and considered the submissions.

5. This court did not go into the merits and demerits of the case while disposing of the writ petition vide W.P.No.27372 of 2025. Further, this court

never ever given any finding that the respondent nos.7 & 8 (review petitioners herein) are encroachers. This court has only given a direction which reads as under:

“If any encroachments are found in the subject land classified as cheruvu poramboke, the respondents concerned shall take necessary steps in accordance with law by following the guidelines in W.P(PIL).No.140 of 2022 and by giving proper show cause notice inviting explanation to all the encroachers and opportunity of being heard within a period of three (03) months from the date of receipt of a copy of this order.”

6. If at all the review petitioners have any right or title over the subject property, they are always at liberty to place the relevant documents before the concerned department, if at all a show cause notice is issued, so that the authorities can take steps accordingly. This court, sitting under Article 226, cannot go into the disputed facts and decide who are the encroachers. In view of the same, this court is inclined to dispose of the present application with the following directions:

The review petitioners are at liberty to place all the relevant documents along with explanation in support of their claim before the concerned department who issued show cause notices to them. The concerned authority shall look into the said explanation and documents placed by the review petitioners and decide the issue in accordance with law before passing any orders.

Accordingly, the review petition is ***disposed of***. No costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

01.07.2026
BRS

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No