



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

[3332]

FRIDAY, THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 27372/2025

Between:

1. MAADIREDY 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 GUTLAPADU GRAM PANCHAYAT, REP. BY ITS SECRETARY, VARIDHANAM, PALAKOL MANDAL, WEST GODAVARI DISTRICT.

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

Counsel for the Petitioner:

1.DWARAMPUDI SAVITHRI

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR REVENUE

3.P V RAMANA

The Court made the following:

ORDER:

To declare the inaction of respondent Nos.1 to 6 in removing the house and church constructed by respondent Nos.7 to 9 by encroaching the existing Village Drinking Water Tank (Cheruvu Poramboku land) situated in Sy.No.440-2 of Lakalakoderu Village, Palacole Mandal, West Godavari, which is earmarked for the purpose of drinking water tank, without any permissions, as illegal and arbitrary, the present writ petition is filed.

2. Heard Sri Ranjith, learned counsel representing Smt.Savithri Dwarampudi, learned counsel for the petitioner, Sri Y.Koteswara Rao, learned Standing Counsel for Gram Panchayat, Smt Naga Chandrika, learned Assistant Government Pleader for Panchayat Raj and Smt.Santhi Sree, learned counsel representing Sri P.V.Ramana, learned counsel for the unofficial respondents.

3. Learned counsel for the petitioner while reiterating the contents of the affidavit contended that the subject property is classified as Cheruvu Poramboku and the unofficial respondent Nos.7 to 9 occupied the same and constructed a house without any permissions as envisaged under G.O.Ms.No.376 dated 29.11.2012. Though it was brought to the notice of the authority concerned by way of representations dated 24.08.2025 & 01.09.2025, no steps have been initiated by the respondents. He further submitted that by virtue of G.O.Ms.No.188 dated 21.07.2011, a duty was cast upon the concerned Gram Panchayat and Revenue Department, to protect the tanks by removing the encroachments if any are made. In the present

case, they failed to perform their statutory duty, as such, prayed to pass appropriate orders.

4. On the other hand, Sri Y.Koteswara Rao, learned Standing Counsel for Gram Panchayat, on written instructions dated 08.10.2025 submitted that there are certain encroachments not only in Sy.No.440/2 but also in Sy.Nos.440, 440/1 which is classified as tank. However, a survey has to be conducted to identify as to the extent of encroachments and after conducting the said enquiry, appropriate steps would be taken in accordance with law, accordingly, prayed to pass appropriate orders.

5. Smt.Santhi Sree, learned counsel for the unofficial respondent Nos.7 to 9 submitted that due to some disputes between the petitioner and the unofficial respondents, to wreck vengeance against them, the petitioner filed the writ petition. The writ petition is devoid of merits and liable to be dismissed, accordingly, prayed to dismiss the writ petition.

6. Perused the record and considered the submissions made by the learned counsel for respective parties.

7. Despite making representations dated 24.08.2025 & 01.09.2025, to the respondents to remove the encroachments made in the tank land. The respondents did not take any steps is the grievance of the petitioner. In the written instructions dated 08.10.2025, it was categorically stated that there are encroachments not only in Sy.No.440/2 but also in Sy.No.440 & 440/1 as well. The instructions further indicate that the respondents would take steps in

accordance with law. As the respondents have an intention to take steps by following law, there is no purpose in keeping the writ petition pending inviting counter and the writ petition is liable to be disposed of.

8. Accordingly, the Writ Petition is ***disposed of***. 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. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Date: 07th November, 2025

RKS