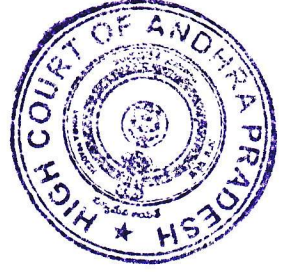




IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)



TUESDAY, THE SEVENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 27532 OF 2025

Between:

Vadisala Subbaramaiah, S/o. Subbanna, Aged 40 Years, Occ: RTC Driver  
Resident of Cheenevandlapalli, H/o. Rayavaram Village, T. Sundupaili  
Mandal, Annamayya District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. its Principal Secretary, Department of Panchayat Raj and Rural Development A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Rayavaram Grampanchayat, Rep.by its Panchayat Secretary, T. Sundupaili Mandal, Annamayya District.
3. The Secretary, Rayavaram Gram Panchayat, T. Sundupaili Mandal, Annamayya District.
4. The Station House Officer, T. Sundupalli Police Station, 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 Writ of Mandamus or any other appropriate Writ or Order or direction declaring the action of the 2<sup>nd</sup> and 3<sup>rd</sup> respondent in not taking further action in pursuance of the Notice vide Ref.No.06/2025, dated 19.07.2025, as

illegal, arbitrary un-constitutional and consequently direct the 2<sup>nd</sup> and 3<sup>rd</sup> respondent to demolish illegal structures in furtherance of notice vide Ref.No.06/2025, dated 19.07.2025.

**IA NO: 1 OF 2025**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to forthwith remove encroachments in pursuance of notice vide Ref.No.06/2025, dated 19.07.2025, pending disposal of the above Writ Petition.

**Counsel for the Petitioner: SRI SHAIK ALTAF**

**Counsel for the Respondent No.1 : GP FOR PANCHAYAT RAJ & RURAL  
DEVELOPMENT**

**Counsel for the Respondent Nos.2 & 3 : SRI M. SUDHIR,  
SC FOR GRAM PANCHAYAT**

**Counsel for the Respondent No.4 : GP FOR HOME**

**The Court made the following order:**

APHC010528252025



IN THE HIGH COURT OF ANDHRA

PRADESH

AT AMARAVATI

[3329]

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU  
NIMMAGADDA

WRIT PETITION NO: 27532/2025

Between:

1. VADISALA SUBBARAMAIAH, S/O. SUBBANNA,  
AGED 40 YEARS, OCC RTC DRIVER RESIDENT  
OF CHEENEVANDLAPALLI, H/O. RAYAVARAM  
VILLAGE, T. SUNDUPAILI MANDAL, ANNAMAYYA  
DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. ITS  
PRINCIPAL SECRETARY, DEPARTMENT OF  
PANCHAYAT RAJ AND RURAL DEVELOPMENT  
A.P. SECRETARIAT,.
2. THE RAYAVARAM GRAMPANCHAYAT, REP. BY  
ITS PANCHAYAT SECRETARY, T. SUNDUPAILI  
MANDAL, ANNAMAYYA DISTRICT.
3. THE SECRETARY, RAYAVARAM GRAM  
PANCHAYAT, T. SUNDUPAILI MANDAL,  
ANNAMAYYA DISTRICT.
4. THE STATION HOUSE OFFICER, T. SUNDUPALLI  
POLICE STATION, ANNAMAYYA DISTRICT.

...RESPONDENT(S):

This Court made the following ORDER:

1. This writ petition is filed under Article 226 of the Constitution of  
India seeking the following relief:

“..to issue Writ of Mandamus or any other  
appropriate Writ or Order or direction declaring  
the action of the 2<sup>nd</sup> and 3<sup>rd</sup> respondent in not  
taking further action in pursuance of the Notice

vide Ref.No.06/2025, dated 19.07.2025, as illegal, arbitrary un-constitutional and consequently direct the 2nd and 3rd respondent to demolish illegal structures in furtherance of notice vide Ref.No.06/2025, dated 19.07.2025 and pass..."

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondent Nos. 1 and 4 and the learned Standing counsel appearing for the respondent Nos.2 and 3 Gram Panchayat.

3. The case of the petitioner is that a third party i.e., smt. Guvvala sampoorna is making construction in respect of land in Sy. No.829/3 situated at Rayavaram Village, Rayavaram Gram Panchayat, T. Sundupalli Mandal, Annamayya District, which is classified as *Gramakantam* land, without there being any prima facie title and valid permission as contemplated under law.

4. The learned counsel for the petitioner submits that a third party, namely Smt. Guvvala Sampoorna, has encroached upon land in Sy. No.829/3 situated at Rayavaram Village, Rayavaram Gram Panchayat, T. Sundupalli Mandal, Annamayya District, and has constructed a house thereon. The 3<sup>rd</sup> respondent issued a notice under Sections 121 and 75 of the Andhra Pradesh Gram Panchayat Raj and Rural Development Act, 1994 to the said third party directing

her to stop the construction of the house in Sy. No.829/3. He further submits that Smt. Guvvala Sampoorna is claiming the land on the ground that it was assigned to her by way of an assignment patta. However, on perusal of the assignment patta reveals that the assignment is pertaining to the land in Sy. No.831 and not in Sy. No.829/3. Even after receipt of the notice, the third party has constructed a house in Sy.No.829/3. Pursuant to this illegal construction, the Tahsildar issued proceedings dated 19.07.2025 stating that no house site patta has been granted in respect of the subject land. Therefore, the third party has no right to construct and hold a house in Sy. No.829/3.

5. He further submits that, in terms of Sections 121 and 75 of the Andhra Pradesh Gram Panchayat Raj and Rural Development Act, 1994, the respondent Nos.2 and 3 are under a statutory obligation to restrain any encroachment or occupation of *Gramakantam* land, and to prevent any construction undertaken without due permission, contrary to the provisions of the Act. He contends that, despite the issuance of notice indicating that the subject land is *Gramakantam* land and that no construction can be permitted therein, the third party has been proceeding with the construction. It is further alleged that, even after issuance of the said notice, respondent Nos.2 and 3,

who are the competent authorities to take action against illegal constructions and encroachments by any person, have failed to take effective steps to stop the illegal construction. Hence, the present writ petition.

6. On the other hand, the learned Standing Counsel for respondent Nos.2 and 3 submits that, since a notice has already been issued by the 3rd respondent/Gram Panchayat to the 3<sup>rd</sup> party, namely Smt. Guvvala Sampurna, who is making illegal construction of a house over the subject land in Sy. No.829/3, which is classified as *Gramakantam* land, the respondent authorities will take action and proceed in accordance with law pursuant to the notice dated 19.07.2025.

7. Considering the submissions made by learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development appearing for the respondent Nos. 1 and 4 and the learned Standing counsel appearing for the respondent Nos.2 and 3 Gram Panchayat and on perusal of the material available on record, this Court is of the considered view that the writ petition can be disposed of by directing the respondent Nos.2 and 3 shall take further action in terms of Sections 121 and

75 of the Andhra Pradesh Gram Panchayat Raj and Rural Development Act, 1994, by strictly adhering to the principles of natural justice, with reference to the notice dated 19.07.2025.

Accordingly, the writ petition is disposed of. No costs

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

//TRUE COPY//

**Sd/- N NAGAMMA**  
**ASSISTANT REGISTRAR**

  
**SECTION OFFICER**

To,

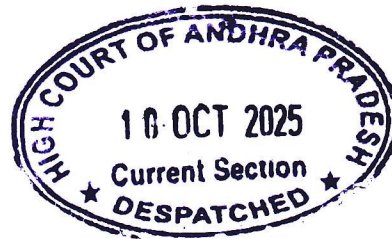
1. The Principal Secretary, Department of Panchayat Raj and Rural Development, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Panchayat Secretary, Rayavaram Grampanchayat, T. Sundupaili Mandal, Annamayya District.
3. The Secretary, Rayavaram Gram Panchayat, T. Sundupaili Mandal, Annamayya District.
4. The Station House Officer, T. Sundupalli Police Station, Annamayya District.
5. One CC to Sri Shaik Altaf, Advocate [OPUC]
6. Two CCs to GP for Panchayat Raj & Rural Development, High Court of Andhra Pradesh [OUT]
7. Two CCs to GP for Home, High Court of Andhra Pradesh [OUT]
8. One CC to Sri M. Sudhir, SC for Gram Panchayat(OPUC)
9. Two CD Copies

Cnr

**HIGH COURT**

**DATED:07/10/2025**

**ORDER  
WP NO. 27532 OF 2025**



**DISPOSING OF THE W.P.  
WITHOUT COSTS**