



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

[3329]

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

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 28886/2025

Between:

1. ANUKULI BABU RAO, S/O. NARASAYYA, AGE. 45 YEARS, OCC
AGRICULTURE, R/O. D.NO. 3-49, G. VEMAVARAM VILLAGE,
TALLAREVU MANDAL, KAKINADA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, PANCHAYAT RAJ AND URBAN DEVELOPMENT
DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, KAKINADA DISTRICT AT KAKINADA.
3. THE TAHSILDAR, TALLAREVU MANDAL, KAKINADA DISTRICT.
4. THE MANDAL PARISHAD DEVELOPMENT OFFICER, TALLAREVU
MANDAL, KAKINADA DISTRICT.
5. THE DISTRICT PANCHAYAT OFFICER, KAKINADA DISTRICT AT
KAKINADA.
6. THE G VEMAVARAM GRAM PANCHAYAT, G. VEMAVARAM
VILLAGE, TELLAREVU MANDAL, KAKINADA DISTRICT, REP. BY ITS
PANCHAYAT SECRETARY.

...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 Pleased to issue appropriate writ or order or direction more
particularly one in the nature of writ of mandamus declaring the action of the

respondents in not considering the representation of the petitioner dated 27.09.2025 to remove the encroachments made in burial ground situated in an extent of Ac. 1.15 cents in S.No.173 and to an extent of Ac.0.63 cents in 172/2, total extent of Ac.1.78 cents of G.Vemavaram Village, Tallapudi Mandal Kakinada District as wholly illegal, arbitrary and in violation of Art. 14, 19 and 21 of the Constitution of India and consequently direct the respondents to consider the representation of the petitioner dated 27.09.2025 in the interest of justice and to 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 Pleased to direct the respondents to consider the representation of the petitioner dated 27.09.2025 to remove the encroachments made in burial ground situated in an extent of Ac. 1.15 cents in S.No.173 and to an extent of Ac.0.63 cents in 172/2, total extent of Ac. 1.78 cents of G.Vemavaram Village, Tallapudi Mandal, Kakinada District pending disposal of the writ petition in the interest of justice and to pas

Counsel for the Petitioner:

1. SULTANA SHAIK

Counsel for the Respondent(S):

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

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION.NO.28886 OF 2025

ORDER:-

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

“to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the representation of the petitioner dated 27.09.2025 to remove the encroachments made in burial ground situated in an extent of Ac.1.15 cents in S.No.173 and to an extent of Ac.0.63 cents in S.No.172/2 total extent of Ac.1.78 cents of G.Vemavaram Village, Tallapudi Mandal, Kakinada District as wholly illegal, arbitrary and in violation of Art 14, 19 and 21 of the Constitution of India and consequently direct the respondents to consider the representation of the petitioner dated 27.09.2025 in the interest of justice and pass such other order or orders...”

2. Heard learned counsel for petitioner, learned Government Pleader for Panchayat Raj and Rural Development and learned Standing Counsel for Gram Panchayat appearing for the respondents.

3. Learned counsel for the petitioner submits that the petitioner herein is the resident of G.Vemavaram Village, Tallarevu Mandal, Kakinada District (Erstwhile East Godavari District). He further submits that there is a burial ground in an extent of Ac.1.15 cents in Sy.No.173 and Ac.0.63 cents in Sy.No.172/2, total to an extent of Ac.1.78 cents. While so, some of the villagers/ land grabbers encroached into the said land and raised residential houses. For which, the petitioner herein made several requests to the respondent authorities for taking necessary steps for removal of the encroachments. Accordingly, the panchayat authorities passed a resolution dated 29.04.2022 to remove the encroachments and clear the burial ground. But, so far, no action has been taken by the

respondent authorities. Later, the petitioner herein made a detailed representation dated 27.09.2025 to respondent Nos. 2, 4 to 6 requesting them to take necessary steps to remove the encroachments in respect of the subject burial ground. Even after receipt of the said representation, the respondents neither considered the same nor removed the encroachments in respect of the subject land. Aggrieved by the same, the petitioner herein filed the present writ petition.

4. On the other hand, learned Standing Counsel for the Gram Panchayat furnished written instructions dated 06.08.2025 issued by respondent No.6, wherein, it is stated that pursuant to the representation submitted by the petitioner, the 6th respondent requested the Tahsildar to conduct survey and to demarcate the boundaries in respect of the subject land. Learned Standing Counsel further submits that the respondents are ready to conduct survey and demarcate the boundaries in respect of the subject land, by following due process of law.

5. Having regard to the submissions made by the learned counsel for the petitioner and learned Standing Counsel for the respondents and on perusal of the material placed on record, this Court is of the considered view that the present writ petition can be disposed of, directing the respondent authorities to remove the encroachments in respect of the subject burial ground, after conducting survey and demarcation of the subject land as contemplated under Andhra Pradesh Survey and Boundaries Act, 1923 and after issuing notices to the petitioner as well as other stake holders, if any and by following due process of law, as early as possible.

6. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, pending, if any, shall stand closed.

Date:24.10.2025
BSP

VENKATESWARLU NIMMAGADDA, J

45

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION.NO.28886 OF 2025

DATED:24.10.2025

BSP