

APHC010566642025



IN THE HIGH COURT OF ANDHRA

PRADESH

[3329]

AT AMARAVATI

(Special Original Jurisdiction)

**THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE SRI JUSTICE VENKATESWARLU
NIMMAGADDA**

WRIT PETITION NO: 29313/2025

Between:

1. GUTTA ADINARARAYANA, S/O NAGAMUNI AGED ABOUT 75 YEARS, OCC AGRICULTURAL, R/O A KONDAPURAM VILLAGE, PUTLUR MANDAL, ANANTAPUR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE SECRETARY(PANCHAYAT RAJ), SECRETARIAT, VIJAYAWADA, ANDHRA PRADESH.
2. THE DISTRICT COLLECTOR, ANANTPURAM DISTRICT, ANANTAPURAM, ANDHRAPRADESH.
3. THE DISTRICT PANCHAYAT OFFICER, ANANTPURAM DISTRICT, ANANTAPURAM, ANDHRAPRADESH.
4. THE DIVISIONAL PANCHAYAT OFFICER, ANANTPURAM DISTRICT, ANANTAPURAM, ANDHRAPRADESH.
5. THE DEPUTY MANDAL DEVELOPMENT OFFICER, PUTLUR MANDAL, ANANTPURAM DISTRICT ANDHRAPRADESH.
6. THE MANDAL DEVELOPMENT OFFICER, PUTLUR MANDAL, ANANTPURAM DISTRICT ANDHRAPRADESH.
7. THE PANCHAYATH SECRATERY, A KONDAPURAM VILLAGE, PUTLUR MANDAL, ANANTPURAM DISTRICT ANDHRAPRADESH.

...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 a writ or order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the inaction of the respondent Nos. 2 to 7 in issuing the notice for demolition dated 10.10.2025 which was served on 21.10.2025 for the property of Hosue No. 1-29, 1-30, 1-31-1 and 1-31-2 of A Kondapuram Village, Putluru Mandal, Anantapur District as illegal, arbitrary and against to law and pass such other order or orders that the Honble court deems fit and proper in the interest of justice, as illegal, uncalled, arbitrai and in contravention of constitution of India, consequentially, by setting aside the orders of the respondent No.7 dated 16.10.2025 which communicated on 21.10.2025 direct the respondent No.2 to 7, not to demolish the property in It is therefore prayed that this Honble Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the inaction of the respondent Nos. 2 to 7 in issuing the notice for demolition dated 16.10.2025 which was served on 21.10.2025 for the property of Hosue No. 1- 29, 1-30, 1-31-1 and 1-31-2 of A Kondapuram Village, Putluru Mandal, Anantapur District as illegal, arbitrary and against to law and pass such....”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondent Nos.1 to 5 and the learned Standing counsel for the respondent Nos.6 and 7.

3. The case of the petitioner is that the petitioner is the absolute owner and possessor of the properties bearing House Nos. 1-29, 1-30, 1-31-1, and 1-31-2, situated at A. Kondapuram Village, Putluru Mandal, Anantapur District, having acquired the same under a registered partition deed dated 13.08.2004, since then the petitioner has been in peaceful possession and enjoyment of the subject property. The petitioner submitted an application on 16.03.2022 before the 7th respondent Gram Panchayat seeking permission for construction of residential buildings, enclosing therewith the requisite building plan. The said application was duly received by the 7th respondent Gram Panchayat, and accorded its approval on 30.03.2022. In pursuance of the said permission, the petitioner got constructed four residential houses over an extent of 1200 square yards in Plot No. 9, Sy.No.112B1.

4. The learned counsel for the petitioner submits that the said houses were duly assessed to property tax, and separate house numbers were assigned as 1-29, 1-30, 1-31-1, and 1-31-2, respectively situated at A. Kondapuram Village, were assigned to each of them. He further submits that, to the utter surprise of the petitioner, the 7th respondent Gram Panchayat issued a provisional

notice dated 16.10.2025, directing the petitioner to remove the residential constructions on the ground that they were raised contrary to the approved plan sanctioned by the 7th respondent Gram Panchayat and in violation of the building rules. He further contends that, after obtaining due permission for construction of residential buildings in Plot No. 9, Sy. No. 112B1 from the 7th respondent Gram Panchayat, the petitioner constructed the said houses strictly in accordance with the sanctioned approved plan. However, the 7th respondent Gram Panchayat, without issuing any prior notice, without calling for objections, without affording an opportunity of hearing to the petitioner, and without following the due process of law, issued the impugned provisional notice dated 16.10.2025 directing for demolition of the petitioner's residential buildings. Hence, the said notice dated 16.10.2025 issued by the 7th respondent Gram Panchayat is arbitrary, illegal, and liable to be set aside.

5. On the other hand, the learned Standing Counsel for respondent Nos. 6 and 7 submits that the petitioner has constructed four houses contrary to the approved plan sanctioned by the 7th respondent Gram Panchayat and in violation of the building rules. Therefore, the 7th respondent Gram Panchayat issued the impugned

provisional notice dated 16.10.2025 for removal of the unauthorized constructions in Plot No. 9, Sy. No. 112B1.

6. Considering the submissions made by the learned counsel for the petitioner, the learned Government Pleader for the respondent Nos.1 to 5, and the learned Standing Counsel for the respondent Nos.6 and 7, and on perusal of the material available on record, it is observed that the 7th respondent Gram Panchayat accorded permission for the construction of residential houses in Plot No.9, Sy.No.112B1, situated at A. Kondapuram Village, Putluru Mandal, Anantapur District in respect of the subject property of the petitioner. As per the house tax assessment register of the Gram Panchayat that the petitioner got constructed four residential houses as per the plan submitted to and approved by the 7th respondent Gram Panchayat. In fact, the 7th respondent Gram Panchayat falls within the jurisdiction of the Anantapuram Metropolitan Urban Development Authority. It is a well established principle of law that once a Gram Panchayat falls within the jurisdiction of an urban development authority, the Gram Panchayat is not empowered to grant any permission for construction group of residential houses. As per the building plan sanctioned by the 7th respondent on 30.03.2022, the

petitioner to construct a single residential building with a ground and first floor on Sy.No.112B, Plot No.9, admeasuring for an extent of 224.45 square yards. However, the petitioner got constructed as four residential units instead of a single ground and first floor residential building. Furthermore, the Gram Panchayat is not authorized to grant permission for multiple residential units without prior approval from the Urban Development Authority. However, the impugned provisional notice dated 16.10.2025 issued by the 7th respondent Gram Panchayat is in violation of the principles of natural justice and due process of law, as it was issued directly as an order, directing the petitioner to remove/demolish the alleged unauthorized constructions in Sy.No.112B, Plot No.9, without affording an opportunity of hearing to the petitioner.

7. In view of the facts and circumstances as stated above, the subject impugned provisional notice dated 16.10.2025 issued by the 7th respondent Gram Panchayat should be treated as a show cause notice. Thus, the petitioner is directed to submit a detailed explanation treating the notice dated 16.10.2025 as show cause notice by substantiating his rights over the subject property and the building plan sanctioned by the 7th respondent Gram Panchayat,

within a period of three weeks from the date of receipt of a copy of this order. After receipt of the explanation submitted by the petitioner, the 7th respondent Gram Panchayat shall consider the same and to pass appropriate speaking orders in accordance with the provisions of the A.P. Panchayat Raj Act, 1994 and the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016, within a period of four weeks thereafter. In the meanwhile, the 7th respondent Gram Panchayat is directed not to take any coercive steps against the petitioner's subject property.

8. The learned standing counsel for the respondents is specifically directed to inform the order of this court to the respondents.

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

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

JUSTICE VENKATESWARLU NIMMAGADDA

23.10.2025

Issue C.C. by 27.10.2025

*B/o.
klk*

THE HON'BLE SRI JUSTICE VENAKTESWARLU NIMMAGADDA

WRIT PETITION NO.29313 of 2025

23.10.2025

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