

APHC010568832025



**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: 29376/2025

Between:

1. ATHAR JAHEED HUSSAIN, S/O LATE A. NAZEER HUSSAIN, AGED ABOUT 49 YEARS, R/O. 12-106-B, SHIVA NANDI NAGAR, BANAGANAPALLE VILLAGE AND MANDAL, NANDYALA DISTRICT, ANDHRA PRADESH - 518124.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT

2. THE BANAGANAPALLE GRAM PANCHAYATH, REP BY ITS EXECUTIVE OFFICER (PANCHAYAT SECRETARY) BANAGANAPALLE VILLAGE AND MANDAL, NANDYALA DISTRICT, ANDHRA PRADESH.

...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 grant a direction or writ more particularly in the nature of Writ of Mandamus declaring the actions of the Respondent No. 2 in issuing the Notices dated 12.10.2025 and 21.10.2025, thereby threatening to interfere with the possession and demolish the property of the Petitioner at having an extent of 561.55 Sq. yards in Sy. No. 163 situated in Banaganapalle Village and Mandal, Nandyala District, Andhra Pradesh as illegal, arbitrary, contrary to provisions of the AP Panchayat Raj Act, 1994, Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016, and violative of Article 14, 19(1)(g) and 21 of the Indian Constitution and consequently set aside the Notices dated 12.10.2025 and 21.10.2025 issued by the 2nd Respondent and pass

Counsel for the Petitioner:

1. VARUN BYREDDY

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

W.P.No.29376 of 2025

This Court made the following

ORDER:

Heard learned counsel for the petitioner, learned Standing Counsel for Respondent No.2 and perused the material placed on record.

2. Learned counsel for the petitioner submits that the petitioner got constructed 7 commercial shops in an extent of 561.55 Sq. Yds in Sy.No.163 situated in Banaganapalle Village and Mandal, Nandyala District by way of temporary construction and the petitioner has been carrying out the business in the subject property since long time.

3. While so, the 2nd Respondent – Gram Panchayat issued show cause notice on 12.06.2025 directing the petitioner to submit explanation as well as documentary proof for construction of such shops within a period of seven days. Pursuant to the show cause notice the petitioner submitted his explanation on 15.10.2025 and same was received by the Gram Panchayat on

15.10.2025. Without considering the explanation submitted by the petitioner, the respondent authorities proceeding and proposing to take coercive action i.e., demolition of the subject shops. Hence, the Writ Petition.

4. On the other hand, learned Standing Counsel categorically stated that the subject notices are show cause notices, pursuant to which the petitioner submitted his explanation on 15.10.2025 and the same would be considered and will pass appropriate orders in accordance with law.

5. Considering the submissions made by both the counsel and the material placed on record, since the notices issued calling for explanation from the petitioner and having received the same by the Respondent Authorities, it is mandatory / statutory duty upon the Respondent Authorities to consider the explanation of the petitioner after affording an opportunity of hearing to the petitioner. Therefore, the Gram Panchayat is directed to hear the parties and pass speaking orders in accordance with law within a period of four (04) weeks hereafter. Till such time, the Respondent Authorities are directed not to take any coercive steps in respect of the subject shops of the petitioner.

::5::

6. With the above directions, the Writ Petition is disposed of.

No costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

DT: 24.10.2025

krk

::6::

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

91

W.P.No.29376 of 2025

DT: 24.10.2025
krk