

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: W.P.No.32621 of 2025

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
01.	21.11.2025	<u>DR. J</u> The present writ petition is filed impugning the notice dated 01.11.2025 issued under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short, 'the Act'). In fact, in earlier two writ petitions were interdicted by this Court and the challenge is being made to the notice dated 04.08.2025 issued under Section 6 of the Act. This Court in W.P.No.20857 of 2025 has considered elaborately and passed the following order: “6. Therefore, the impugned proceedings issued vide Rc.No.128/2025/A, dated 04.08.2025, under Section 6 of the Act, directing the petitioner herein to vacate from the land in Sy.No.310/5 and 311/14 in an extent of Ac.4.04 cents, is hereby set aside and the 4th respondent/Tahsildar is hereby directed to pass appropriate order within a period of six weeks from the date of receipt of copy of this order after giving an opportunity of a personal hearing to the petitioner herein. And it is need to observe that the petitioner shall cooperate to the authorities for the adjudication in the event the petitioner fails to	

		cooperate, authorities may pass appropriate order after recording reasons.” While the things stood thus, once this Court interfered and set aside the notice issued under Section 6 of the Act, simultaneously, the Gram Panchayat has also initiated action and issued notice on 01.08.2025. When that being the position, now the 3rd respondent has no jurisdiction to issue fresh notice once again. In fact, the notice issued under Section 6 of the Act in the earlier litigation has been set aside by remanding the matter to the authority to hear the matter and pass appropriate orders. At the time of hearing, learned counsel for the petitioner has taken specific objection with regard to jurisdiction of the 3rd respondent, but the respondents failed to answer the said objection that the action initiated by the 4th respondent is still pending. In the said circumstances, the present impugned notice issued under Section 7 of the Act by the 3rd respondent is invalid as per the observations made by this Court in W.P.No.29639 of 2022, wherein it is held at paragraph No.7 as follows: “7. No doubt, the A.P. Land Encroachment Act empowers the revenue authorities to remove encroachments found in the Government lands. However, it is relevant here to note that Section 53 of the	
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		A.P.Panchayat Raj Act clearly envisages that the margins of the roads passing through panchayats other than state and national highways and roads vesting in Zilla Parishad or Mandal Parishad shall vest in the Gram Panchayat. Moreover, Section 98 of the Act empowers the Executive authority for removal of encroachments including the encroachment or obstruction in or over any public road vested in such Gram Panchayat.” Considering the said submissions, as the 4th respondent has already initiated action and the same is pending, the present notice under Section 7 of the Act, that too without considering the objection raised by the petitioner with regard to jurisdiction. Considering the above submission, the impugned notice dated 01.11.2025 is stayed. List the matter after four (4) weeks. DR, J lvd	
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