

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH
WRIT PETITION NO: 32621 OF 2025



Between:

G Subash Chandra Bose, S/o. (late) Venkatadri, aged 70 years, R/o.Gidijala Village, Anandapuram Mandal Visakhapatnam District.

...Petitioner

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, A.P. Secretariat Buildings, Velagapudi Amaravati, Guntur District - 522 237.
2. The District Collector, Visakhapatnam Office of the District Collector, Maharanipeta, Visakhapatnam, Andhra Pradesh - 530 002.
3. The Tahsildar, Anandapuram Mandal, Visakhapatnam District Andhra Pradesh - 530052.
4. The Gidijala Gram Panchayat, Rep. by its Secretary, Gidijala, Anandapuram Mandal, Visakhapatnam 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. an order or direction, in the nature of writ of Mandamus, declaring the action of the 3rd respondent in conducting roving enquiries and in issuing notice vide Rc.No.218/2025/A dated 01.11.2025, in respect of land to an extent of Ac 2.00 cents in Sy.No.310/5 and an extent of Ac 2.04 cents in Sy.No.311/14 of Gidijala Village, Anandapuram Mandal, Visakhapatnam District and in threatening to evict me by demolishing the RCC structures at

premises bearing D.No.4-713 and D.No.4-715 and by removing the mango topes as illegal, arbitrary, highhanded, violative of the principles of natural justice and unconstitutional and consequently set-aside the proceedings of the 3rd respondent issued vide Rc.No.218/2025/A dated 01.11.2025.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in furtherance of the proceedings of the 3rd respondent in issuing a Rc.No.218/2025/A dated 01.11.2025, Pending disposal of WP 32621 of 2025, on the file of the High Court.

IA NO: 2 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the proceedings of the 3rd respondent issued vide Rc.No.218/2025/A dated 01.11.2025, Pending disposal of WP 32621 of 2025, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI MEKA RAHUL CHOWDARY Advocate for the Petitioner, and of GP FOR REVENUE, for the Respondent Nos.1 to 3, and of SRI Y.KOTESWARA RAO, Standing Counsel for the Respondent No.4, the Court made the following

ORDER:

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 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.

//TRUE COPY//

For

SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, A.P. Secretariat Buildings, Velagapudi Amaravati, Guntur District - 522 237. **(by Special Messenger)**
2. The District Collector, Visakhapatnam Office of the District Collector, Maharaniipeta, Visakhapatnam, Andhra Pradesh - 530 002.
3. The Tahsildar, Anandapuram Mandal, Visakhapatnam District Andhra Pradesh - 530052.
4. The Secretary, Gidijala Gram Panchayat, Gidijala, Anandapuram Mandal, Visakhapatnam District. **(Addressees 2 to 4 by RPAD)**
5. One CC to SRI. MEKA RAHUL CHOWDARY Advocate [OPUC]
6. Two CCs to GP FOR REVENUE , High Court of Andhra Pradesh. [OUT]
7. One CC to SRI Y.KOTESWARA RAO, Standing Counsel [OPUC]
8. **One spare copy**

PSR

HIGH COURT

DR,J

DATED:21/11/2025

NOTE: List the matter after four (4) weeks.

ORDER

WP.No.32621 of 2025

INTERIM STAY

