



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

[3332]

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 33544/2025

Between:

1. JOROPALLI KATAIAH, S/O. J. VENKATAIAH, AGED ABOUT 51 YEARS, OCC WATCH-MAN R/O H.NO.9-96, DAMINEDU VILLAGE, TIRUPATI RURAL MANDAL, TIRUPATI DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF PANCHAYTH RAJ AND RURAL DEVELOPMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2. THE DISTRICT COLLECTOR, TIRUPATI DISTRICT AT TIRUPATI.

3. THE DISTRICT PANCHAYATH OFFICER, TIRUPATI, TIRUPATI DISTRICT.

4. THE LINGESWARAPURAM GRAM PANCHAYATH, REP, BY ITS SECRETARY, LINGESWARAPURAM, TIRUPATI RURAL MANDAL, TIRUPATI DISTRICT.

...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 issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents more particularly Respondent No. 4 in trying to demolish the petitioners residential shed located within the limits of Harini Apartments, admeasuring 45 Sq. Yards situated at

Sy.No.148/2 of Avilala Village, Tirupati Rural Mandal, Tirupati District without following the due process of law is as illegal, arbitrary, unconstitutional and contrary to Article 14, 21 and 300-A of Constitution of India and consequently to direct the 4th respondent not to interfere with the peaceful possession and enjoyment of the subject property in any manner and pass

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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 to direct the 4th respondent not to interfere with the peaceful possession and enjoyment of the residential site of the petitioner admeasuring 45 Sq. Yards with roof sheet shed within the limits of Harini Apartments situated in Sy. No. 148/2 of Avilala Village, Tirupati Rpral Mandal, Tirupati District, pending disposal of the writ petition and pass

Counsel for the Petitioner:

1.K VISWANATHAM

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following order:

Aggrieved by the action of respondent No.4 in trying to demolish the petitioner's residential shed located within the limits of Harini Apartments admeasuring 45 sq yards situated in survey No.148/2 of Avilala Village, Tirupati Rural Mandal, Tirupati District, the present Writ Petition has been filed.

2. Heard Sri K.Viswanatham, learned counsel for the petitioner, Smt D.Chandrika, learned Assistant Government Pleader for Panchayat Raj, and Sri M.Sudhir, learned standing counsel for Gram Panchayat.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit, contended that the petitioner purchased the subject property for valuable consideration and since then he has been in peaceful possession and enjoyment thereof and he has constructed an ACC roofed sheet shed therein for his residential purpose. He further submitted that based on a false complaint, the Mandal Surveyor conducted a survey and submitted a report before respondent No.4. Based on the said report, respondent No.4, without there being any valid reasons or following the procedure contemplated under law, is threatening the petitioner to vacate the premises. He further submitted that earlier also, respondent No.4 had issued a notice dated 24.06.2025 proposing demolition of the property. Aggrieved by the same, the petitioner preferred Writ Petition No.15927 of 2025 before this Court and this Court allowed the Writ Petition by setting aside the impugned notice dated 24.06.2025 while granting liberty to the respondents to proceed further in

accordance with law. Despite the same, the respondents are once again threatening to demolish the property without following due process of law. Hence, prayed to pass appropriate orders protecting the interest of the petitioner.

4. On the other hand, learned standing counsel for Gram Panchayat placed on record the written instructions of the Panchayat Secretary, Lingeswar Nagar, dated 02.12.2025 and submitted that pursuant to the orders of this Court in Writ Petition No.15927 of 2025 dated 16.07.2025, a notice was issued to the petitioner to appear for hearing and accordingly, the petitioner attended the said hearing and submitted the documents pertaining to Harini apartment, but not in respect of the encroached shed situated on the road in the approved lay out. Thereafter, the petitioner gave a representation dated 18.09.2025 requesting to conduct survey in schedule land. Accordingly, survey was conducted on 06.11.2025 and as per the survey report, the petitioner was found to have occupied the said land to an extent of 12 x 24 feet by constructing a shed in 33 feet road in survey No.148/2 of Lingeswar Nagar Panchayat. The said survey report was sent to the petitioner through speed post on 25.11.2025. He further submitted that the writ petitioner has not submitted any explanation with regard to the encroachment and that the document submitted by the petitioner is baseless. Hence, no indulgence need be shown on the petitioner and prayed to dismiss the Writ Petition.

5. In reply, learned counsel for the petitioner submitted that even assuming that the petitioner is an encroacher, he is entitled to due notice and an opportunity of hearing. Hence, prayed to pass orders in that regard.

6. Perused the record and considered the submissions made by learned counsel for the parties.

7. The contention of the petitioner is that without issuing any notice and without following the due process of law, the respondent authorities are trying to demolish the petitioner's shed located in survey No.148/2 to an extent of 45 sq yards. However, the petitioner claims the said property based on an unregistered document and the said document does not confer any valid title to the property. In the absence of any title to the property, the petitioner cannot seek protection against the respondent authorities merely on the basis of such an unregistered document. The written instructions placed by the learned standing counsel indicate that the petitioner has encroached the subject property. It is a well-settled principle of law that even an individual, who is encroacher, is entitled to notice and an opportunity of hearing before any action is taken against him.

8. Taking the submissions of both the learned counsel into consideration, and in view of the settled principle that the encroacher also entitled to notice and opportunity of hearing before taking action, this Court, without going into the merits of the case, is inclined to dispose of the Writ Petition with the following direction:

“The respondent authorities are directed not to interfere with the petitioner’s residential shed located within the limits of Harini Apartments admeasuring 45 sq yards of site situated in survey No.148/2 of Avilala Village, Tirupati Rural Mandal, Tirupati District, except under due process of law.”

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

03.12.2025

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THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.33544 of 2025

03.12.2025

MP