



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

[3332]

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 33739/2025

Between:

1. PERUBOYINA SURINIVASA RAO, S/O. ADISESHU, AGED ABOUT 50 YEARS, R/O. D.NO. 8-99, RAMANAGARAM VILLAGE, CHALLAPALLI MANDAL, KRISHNA DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, THROUGH THE PRINCIPAL SECRETARY, DEPARTMENT OF PANCHAYAT RAJ AND RURAL DEVELOPMENT, SECRETARIAT, NELAPADU, AMARAVATI, GUNTUR DISTRICT.

2. THE DISTRICT COLLECTOR KRISHNA, MACHILIPATNAM, KRISHNA DISTRICT.

3. THE DISTRICT PANCHAYATH OFFICER, KRISHNA MACHILIPATNAM, KRISHNA DISTRICT.

4. THE LAKSHMIPURAM GRAM PANCHAYAT, REP. BY ITS PANCHAYAT SECRETARY, LAKSHMIPURAM, CHALLAPALLI MANDAL, KRISHNA 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 an appropriate 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 issuing the impugned notice R.O.C No. 5/2025 Dt. 22-11-2025 demanding the petitioner to vacate the from the land to an extent of Ac. 3-13 cts situated in RS No. 80 of Lakshmipuram village, Challapalli Mandal, Krishna District is wholly illegal, arbitrary and without jurisdiction and consequently set aside the Notice issued by the 4th respondent R.O.C No. 5/2025 dt. 22-11-2025 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 respondents not to dispossess the petitioner from the land to an extent of Ac. 3-13 cts situated in RS No. 80 of Lakshmipuram village, Challapalli Mandal, Krishna District, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.GHANTASALA UDAYA BHASKAR

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following:

ORDER:

Declaring the action of the 4th respondent in issuing impugned notice dated 22.11.2025, as illegal and arbitrary, the present writ petition is filed.

2. Heard Sri Ghantasala Udaya Bhaskar, learned counsel for the petitioner, Sri Y.Koteswara Rao, learned Standing Counsel for Gram Panchayat, Smt.Naga Chandrika, learned Assistant Government Pleader for Panchayat Raj.

3. Learned counsel for the petitioner while reiterating the contents of the affidavit contended that the petitioner is in possession and enjoyment of the land to an extent of Ac.3.13 cents in R.S.No.80 of Lakshmipuram Village, Challapalli Mandal, Krishna District. While so, the 4th respondent issued the impugned notice dated 22.11.2025 asking the petitioner to vacate the subject land, without issuing any prior show cause notice or an opportunity of being heard. He further submitted that if the said notice is allowed to subsist, it affects the rights of the petitioner, accordingly, prayed to pass appropriate orders protecting the interest of the petitioner.

4. On the other hand, learned Standing Counsel submitted that the respondents would follow due process of law, accordingly, prayed to pass appropriate orders.

5. Perused the record and considered the submissions made by the learned counsel.

6. The impugned notice *vide* ROC.No.5/2025 dated 22.11.2025 goes to show that the respondent Gram Panchayat directed the petitioner to vacate the subject property. However, it does not refer to issuance of any prior show cause notice asking the petitioner to give explanation and providing opportunity of being heard. The first and foremost principle of natural justice is what is commonly known as Audi Alteram Partem rule. It says that every person should get a chance of being heard. Notice is the first limb of this principle. It must be precise and unambiguous. It should appraise the party detrimentally of the case he has to meet and the time for that purpose should be adequate so as to enable him to make his representation. In the absence of a notice of that kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that the party should be put on notice of the case before any adverse orders passed. It is one of the most important principles of natural justice. It is after all an approved rule of fair play. In the present case, there is clear violation of principles of natural justice, as no show cause notice has been initiated by the 4th respondent before passing the impugned order.

7. As stated *supra*, the order impugned has been passed in clear violation of *Audi Alteram Partem* rule, as such, the said order is unsustainable both on facts and law and is liable to be set aside even

without inviting any counter. Even after filing counter the order would be the same.

8. Accordingly, the Writ Petition is ***allowed*** by setting aside the impugned order *vide* R.O.C.No:5/2025 dated 22.11.2025. However, the respondents are not precluded to take steps in accordance with law if so advised/desire. There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

Date: 04th December, 2025

RKS