



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

[3332]

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 33899/2025

Between:

1.CHINTA REDDY PRAHLADA REDDY, S/O. NARASIMHA REDDY,
AGED 60 YEARS, OCC CULTIVATION, R/O. D.NO.3/209, VINAYAKA
NAGAR, P.KOTHAPALLI VILLAGE, PENAGALURU MANDAL,
ANNAMAYYA DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT, PANCHAYAT RAJ AND RURAL
DEVELOPMENT DEPARTMENT, SECRETARIAT, VEIAGAPUDI,
AMARAVATI, GUNTUR DISTRICT.
- 2.THE DISTRICT COLLECTOR PANCHAYAT WING, ANNAMAYYA
DISTRICT AT RAYACHOTY.
- 3.THE DISTRICT PANCHAYAT OFFICER, ANNAMAYYA DISTRICT AT
RAYACHOTY.
- 4.PENAGALURU GRAMA PANDIAYAT, REP. BY ITS PANCHAYAT
SECRETARY -CUM- EXECUTIVE AUTHORITY, PENAGALURU
VILLAGE AND MANDAL, ANNAMAYYA DISTRICT.
- 5.THE THASILDAR, PENAGALURU MANDAL, ANNAMAYYA
DISTRICT.
- 6.THE REVENUE INSPECTOR, PENAGALURU MANDAL, ANNAMAYYA
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 respondents, particularly the respondents 4 to 6 at the instance of the local political leaders in contemplating demolition of Sri Lakshmi Ganapathi Temple constructed by me and the entire village community on my ancestral Gramakantam house-site admeasuring 1,111.11 square yards in Sy.No.88/2 of Penagaluru Revenue Village in Penagaluru Mandal of Annamayya District, without any notice, as illegal, irregular, irrational, without there being any authority or sanction of law and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere in any manner with my possession over the said property nor demolish any portion thereof and pass

IA NO: 1 OF 2025

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 demolish nor interfere in any manner with my possession and enjoyment over my temple site admeasuring 1,111.11 square yards in Sy.No.88/2 of Penagaluru Revenue Village in Penagaluru Mandal of Annamayya District, pending disposal of the main Writ Petition and pass

Counsel for the Petitioner:

1. RAJENDRA C

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV

2. GP FOR REVENUE

The Court made the following order:

The grievance of the petitioner is that respondent Nos.4 to 6, without issuing any notice and without there being any authority, at the instance of the local political leaders, are contemplating to demolish Sri Lakshmi Ganapathi Temple constructed by him and by the entire village community on his ancestral Gramakantam house site admeasuring 1,111.11 sq yards in survey No.88/2 of Penagaluru Revenue village in Penagaluru Mandal of Annamayya District.

2. Heard Sri Ch.Rajendra, learned counsel for the petitioner, Smt D.Chandrika, learned Assistant Government Pleader for Panchayat Raj, and Sri Chandra Sekhar, learned Assistant Government Pleader for Revenue.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit, contended that the petitioner is the absolute owner and possessor of the ancestral Gramakantam house site, in which the temple was constructed for religious purposes. The respondent authorities, without following the due process of law, without issuing any notice and affording an opportunity of hearing, are threatening to demolish the temple. Hence, prayed to pass appropriate orders protecting the interest of the petitioner.

4. On the other hand, learned Assistant Government Pleader for Revenue placed on record the written instructions of the Tahsildar, Penagalur Mandal *vide* Roc.A/583/2025, dated 04.12.2025 and submitted that a compound wall has been constructed in Ac.0.10 cents of land with an iron shed covering

Ac.0.2 cents inside the compound wall. The petitioner claims the said land, which belongs to his ancestors, is party of village site. However, the said land falls within the Mandal Complex and was fenced long back by the then Tahsildar to protect it for future public office buildings. On verification of the house site registers also, the petitioner was not allotted any house site pattas in the said land or any other. The petitioner has approached this Court with a mala fide intention to grab the government land without any documents. Hence, no indulgence need be shown on the petitioner and prayed to dismiss the Writ Petition.

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

6. As could be noticed from the written instructions of the Tahsildar, the petitioner has carried out certain constructions in the subject property indicting that the petitioner is in possession of the property. Since the petitioner is in possession of the property and made certain constructions, this Court is not inclined to decide at this stage whether the petitioner is in rightful possession of the subject property or not. It is well settled principle of law that that even an encroacher is entitled to notice and an opportunity of hearing before any action is taken against him.

7. 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 house site admeasuring 1,111.11 sq yards in survey No.88/2 of Penagaluru Revenue Village of Penagaluru Mandal of Annamayya District, except under due process of law.”

8. 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

05.12.2025

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THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.33899 of 2025

05.12.2025

MP