



**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: 33816/2025

Between:

Smt.m.kalavathi

...PETITIONER

AND

State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.MOKA KONDALA RAO

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following order:

Aggrieved by the issuance of impugned notice dated 25.11.2025 by the 5th respondent directing the petitioner to remove the constructions made in Sy.No.95/2, 100, in Sainidhi Layout situated in Pudipatla village, Tirupati Mandal and District within seven(07) days, without following the procedure contemplated under law, the present writ petition is filed.

2. Heard Sri M.Kondal Rao, learned counsel for the petitioner, Sri Y.Koteswara rao, learned Standing counsel for MPP, ZPP & Gram Panchayat

and Smt Naga Chandrika, learned Assistant Government Pleader for Panchayat Raj Department.

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 Plot No.5 in Sy.No.95/2, 100 in Sainidhi Layout and has been constructing a residential house in the subject property after obtaining requisite permission from the authorities concerned. He further submitted that, the 5th respondent issued impugned notice dated 25.11.2025 without issuing any prior show cause notice seeking explanation and without providing an opportunity of being heard to the petitioner. He further submitted that, the impugned proceedings though styled as notice, virtually it is a direction given to the petitioner to remove the constructions in the subject property within seven(07) days, failing which they would take steps against her. If such a direction is allowed to materialize, the rights of the petitioner will be affected. As such, prayed to pass appropriate orders in that regard.

4. On the other hand, learned Standing counsel for Gram Panchayat fairly conceded that concerned authority ought to have issued a show-cause notice before issuing the impugned notice and in case, if this Court inclines to interfere with the said impugned notice/proceedings, liberty may be given to the concerned authority to take steps in accordance with law.

5. Perused the impugned notice/proceedings dated 25.11.2025. As rightly contended by the learned counsel for the petitioner, the impugned notice does

not speak anything about prior issuance of any show-cause notice to the petitioner seeking her explanation. It is well settled that, even an encroacher is entitled for a reasonable notice. The first and foremost principle of natural justice is what is commonly known as *audi alteram partem* rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should apprise the party determinatively of the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice.

Therefore, in view of the above, issuing the impugned notice with such a direction, without issuing any prior show-cause notice and without providing an opportunity of being heard to the petitioner, is un-sustainable under law. As such, the impugned notice is ex-facie illegal, unsustainable and was issued in clear violation of principles of natural justice. In view of the above stated circumstances, there is no purpose in keeping this writ petition pending inviting counter. As such, this Court is inclined to set aside the impugned notice dated 25.11.2025, at the admission stage itself.

Accordingly, the Writ Petition is ***disposed of*** by setting aside the impugned notice dated 25.11.2025. However, this order does not preclude the concerned authority to take steps in accordance with law, by issuing proper

show-cause notice inviting explanation and providing an opportunity of personal hearing and to pass a reasoned order and communicate the same to the concerned parties. There shall be no order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

BRS