

APHC010661532025



**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: 34124/2025

Between:

1. MALAPATI ANJAMMA, W/O CHENNAIAH AGED ABOUT 60YRS,
OCC- AGRICULTURE R/O BASAVAPURAM VILLAGE MUNDLAMUR
MANDAL, PRAKASAM DISTRICT
2. KILARI VENKAT RAO, S/O KOTESHWARA RAO AGED ABOUT
37YRS, OCC- AGRICULTURE R/O BASAVAPURAM VILLAGE
MUNDLAMUR MANDAL, PRAKASAM DISTRICT

...PETITIONER(S)

AND

1. THE TELLAMPALLI GRAMPANCHAYAT, TELLAMPALLI VILLAGE,
MUNDLAMUR MANDAL PRAKASAM DISTRICT REPT. BY ITS
PANCHAYAT SECRETARY
2. THE TAHSILDAR, MUNDLAMUR MANDAL PRAKASAM DISTRICT
3. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, PANCHAYATRAJ DEPARTMENT, SECRETARIAT,
VELAGAPUDI, GUNTUR.
4. BHUVANASI PRABHUDAS, S/O LATE RAMAIAH AGED ABOUT
55YRS, R/O D.NO.2-168, BASAVAPURAM VILLAGE MUNDLAMUR
MANDAL, PRAKASAM 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 topleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of respondent No.1 in issuing the Impugned Notice in R.C.No.ES/1/Tellampalli, dt.27-11-2025 directing the petitioners to remove the alleged encroachment within a period of 7 days without following due process of law, without issuing any notice or opportunity and without conducting enquiry as arbitrary, illegal and also in violation of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently set aside the Impugned Notice in R.C.No.ES/1/Tellampalli, dt.27-11-2025 issued by the 1st respondent in the interest of justice.

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 suspend the Impugned Notice Impugned Notice in R.C. No.ES/1/Tellampalli, dt.27-11-2025 issued by the 1st respondent pending disposal of the Writ Petition in the interest of justice

Counsel for the Petitioner(S):

1.P NAGENDRA REDDY

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

2.GP FOR REVENUE

ORDER

This writ petition is filed impugning the notice issued by respondent no.1 dated 24.11.2025 in R.C.No.ES/1/Kellampalli.

2. Heard Sri P.Nagendra Reddy, learned counsel for the petitioner, Ms.Naga Chandrika, learned Assistant Government Pleader for Panchayat Raj.

3. Sri P.Nagendra Reddy, learned counsel, while reiterating the contents of the writ affidavit would contend that the impugned notice contained a mandate for removal of the construction, which was not preceded by notice calling for explanation and therefore, there is flagrant violation of principles of natural justice and under the guise of the impugned notice now the authorities are trying to demolish the structure exist in the subject site and accordingly prayed to allow the writ petition by setting aside the notice.

4. Ms. Naga Chandrika, learned Assistant Government Pleader, would contend that respondent no.4 filed writ petition vide W.P.No.23204 of 2025 against the official respondents as well as against the petitioners herein, who are arraigned as respondent nos.5 & 6, for issuance of a direction to the official respondents to take action on his representation dated 04.08.2025 and a coordinate bench of this Court disposed of the said writ petition directing the official respondents to take action within a period of six (06) weeks from the date of receipt of copy of that order. She would further contend that

pursuant to the above, orders, respondent no.4, the Tahsildar ordered survey and upon receipt of the survey report duly confirming that the petitioners had made constructions in "cart track", the Tahsildar passed orders dated 13.11.2025 for taking necessary action for removal of encroachments and therefore, the impugned notice came to be issued. She would further contend that there is neither illegality nor procedural irregularity in issuing the impugned notice muchless violation of principles of natural justice as alleged by the petitioners. The writ petition being meritless deserves dismissal. Accordingly, prayed to dismiss the writ petition.

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

6. A perusal of the impugned notice no doubt shows that it was not preceded by any show cause notice.

7. It is fairly settled that a notice containing a mandate such as demolition must always be preceded by a notice to show cause to fulfill the requirements of due process and natural justice. This Court in umpteen cases set aside the notices not backed by show cause notices giving specific direction to the concerned Principal Secretary to issue specific instructions to all the Panchayat Secretaries not to issue notices containing direction for demolition without issuing any prior show cause notice. Despite the same,

there is no improvement in the situation and the Panchayat Secretaries are issuing notices of the same sort. The notice impugned in the case on hand is an example as to how notices are being issued for demolition without issuing any preceding show cause notice. Issuance of such notices is forcing the noticee to approach this Court by way of filing writ petition, resultantly not only this Court is flooded with writ petitions but the time & energy of the litigants is being wasted for the careless and cavalier attitude of the Panchayat Secretaries concerned.

8. In view of the above, this writ petition is disposed of, setting aside the notice of respondent no.1 in R.C.No.ES/1/Kellempalli, dated 24.11.2025. This order does not in any way preclude the authorities concerned from taking action against the unauthorized construction, if any, made by petitioners, however, strictly in accordance with law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

DATED: 5TH DECEMBER, 2025.

JUSTICE RAVI CHEEMALAPATI
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