



**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: 11642/2023

Between:

1. SURISETTI PEDA VENAKTA RAYUDU, S/O. LATE NARASIMHA RAO, AGED 78 YEARS, OCC. RTD. EMPLOYEE, R/O. H.NO. 73-18-19/46, SAI TOWERS, D10, A.V.APPARAO ROAD, RAJ AMAHENDRAVARAM, EAST GODAVARI DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, THULLUR MANDAL, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, DR. B.R.AMBEDKAR KONASEEMA DISTRICT, AMALAPURAM.
3. THE DISTRICT PANCHAYAT OFFICER, DR. B.R.AMBEDKAR KONASEEMA DISTRICT, AMALAPURAM.
4. THE REVENUE DIVISIONAL OFFICER, AMALAPURAM DIVISION, AMALAPURAM, DR. B.R.AMBEDKAR KONASEEMA DISTRICT.
5. THE DIVISIONAL PANCHAYAT OFFICER,

AMALAPURAM DIVISION, AMALAPURAM, DR.
B.R.AMBEDKAR KONASEEMA DISTRICT.

6. THE TAHSILDAR, MAMIDIKUDURU MANDAL, DR.
B.R.AMBEDKAR KONASEEMA DISTRICT.
7. THE MANDAL PARISHAD DEVELOPMENT OFFICER
MPDO, MAMIDIKUDURU MANDAL, DR. B.
R.AMBEDKAR KONASEEMA DISTRICT.
8. THE EXTENSION OFFICER PR AND RD,
MAMIDIKUDURU MANDAL, DR. B.R.AMBEDKAR
KONASEEMA DISTRICT.
9. THE GRAM PANCHAYAT, MAGATAPALLI, REP. BY ITS
SECRETARY, MAGATAPALLI VILLAGE,
MAMIDIKUDURU MANDAL, DR. B.R.AMBEDKAR
KONASEEMA DISTRICT.
10. STATION HOUSE OFFICER, NAGARAM POLICE
STATION, NAGARAM, MAMIDIKURU MANDAL, DR.
B.R.AMBEDKAR KONASEEMA DISTRICT.
11. BONTHU SRINIVASA RAO, S/O. BHASKARA RAO,
AGED 47 YEARS, MAGATAPALLI VILLAGE,
MAMIDIKUDURU MANDAL, DR. B.R.AMBEDKAR
KONASEEMA 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 declaring the inaction of the Respondents authorities intaking steps to stop the illegal constructions of the 11th Respondent in Gram Panchayat land by closing the way to approach the agricultural lands of the Petitioner along with other farmers in Sy.No. 138-2 to an extent of Ac. 0-06 cents situated at Magatapalli Village, Mamidikuduru Mandal, Dr. B.R.Ambedkar Konaseema District and removing the illegal structures therein as illegal and constitutional and consequently direct the respondent

authorities to remove the structures of any kind in the Gram Panchayat land and also way to approach the Petitioner's land in Sy.No. 138-2 to an extent of Ac. 0-06 cents situated at Magatapalli Village, Mamidikuduru Mandal, Dr. B.R.Ambedkar Konaseema District while initiating proceedings against the authorities concerned who failed to take any action in spite of representations made to them in this regard and pass

IA NO: 1 OF 2023

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 Respondent authorities to take steps to stop all further construction/development activity of any kind in Sy.No. 138-2 to an extent of Ac. 0-06 cents situated at Magatapalli Village, Mamidikuduru Mandal, Dr. B.R.Ambedkar Konaseema District by 11th Respondent by sealing the premises and pass

IA NO: 1 OF 2024

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 grant leave to the petitioner herein /respondent No. 9 in WP No. 11642 of 2023 to file counter affidavit in the above writ petition and pass

Counsel for the Petitioner:

1.RAMBABU KOPPINEEDI

Counsel for the Respondent(S):

1.GP FOR HOME

2.GP FOR REVENUE

3.GP FOR PANCHAYAT RAJ RURAL DEV

4.N SRIHARI (Standing Counsel for ZPP MPP and GRAM PANCHAYAT)

The Court made the following ORDER:

Declaring the inaction of respondent authorities in taking steps to stop the illegal construction being carried out by the 11th respondent on Gram Panchayat land by closing the way to reach the petitioner's agricultural land to an extent of Ac.0.06 cents in Sy.No.138-2, of Magatapalli Village, Mamidikiduru Mandal, Dr. B.R. Ambedkar konaseema District, along with other farmers in the village, without following due process of law, as illegal and arbitrary, the present writ petition is field.

2. Heard Sri Ram Babu Koppineedi, learned counsel for the petitioner, Sri Y. Koteswara Rao, learned Standing Counsel for Gram Panchayat and Ms. Naga Chandrika, learned Assistant Government Pleader for Panchayat Raj.

3. Learned counsel for the petitioner, while reiterating to the contents of the affidavit, contended that despite bringing to the notice of the authorities the illegal construction made by the 11th respondent on Gram Panchayat land by closing the way to reach the agricultural fields of the petitioner along with other farmers, no action has been initiated. He further submitted that this Court, on 09.05.2023, permitted learned counsel for the petitioner to take out personal notice on the 11th respondent and

the same was by one name Sri Venkatesh Kosaraju, who filed vakalat on behalf of the 11th respondent, however it was returned, as shown on the website. He further submitted that the Gram Panchayat, in their counter affidavit, admitted the unauthorized construction so made by the 11th respondent; however, no action has been initiated. As such, prayed to dispose of the writ petition by taking into consideration the counter affidavit filed by the respondent Gram Panchayat.

4. Learned Standing counsel, on counter affidavit, submitted that a survey has been conducted and identified that the 11th respondent has encroached the Gram Panchayat property and that they have an intention to take steps in accordance with law to remove the encroachments.

5. Perused the record and considered the submissions.

6. It is not in dispute that a survey has been conducted by the Gram Panchayt and identified certain encroachments made by the 11th respondent. As per G.O.Ms.No.188, dated 21.07.2011, if any encroachments are made by any individual, it is the duty cast upon the Panchayt Secretary to remove the same by issuing proper notices to the concerned parties and inviting explanation.

It is evident from the website that Sri Venkatesh Kosaraju, learned counsel, filed vakalat and the same was returned by the Registry. As no positive orders are being passed affecting the rights of the 11th respondent, hearing him does not arise. As such, this Court is inclined to dispose of the writ petition by passing the following order.

“The respondent authorities are directed to take steps in accordance with law in removing the encroachments, if any, made by the 11th respondent, by issuing proper notices to the parties concerned, inviting explanations by giving sufficient time and affording an opportunity of being heard and pass a reasoned order. The said exercise shall be completed in three (03) months from the date of receipt of a copy of this order.”

7. 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

Date: 03.12.2025
ANS

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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 11642/2023

Date: 03.12.2025
ANS