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APHC010331282024

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3457]**
**(Special Original Jurisdiction)**

TUESDAY, THE 8th DAY OF SEPTEMBER 2026
**PRESENT**
**THE HONOURABLE SRI JUSTICE HARINATH.N**
**WRIT PETITION NO: 16665/2024**

**Between:**

1. NALLURI MOHAN RAO, S/O. CHANDRA RAO, AGE- 61 YEARS, OCC- HOUSE HOLD, R/O. D. NO. 49-3-129, GANDHIJI COLONY, GUNADALA, VIJAYAWADA- 520004.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT
2. THE DISTRICT COLLECTOR, KRISHNA DISTRICT.
3. THE VIJAYAWADA MUNICIPALITY, REP BY MUNICIPAL COMMISSIONER, VIJAYAWADA, KRISHNA DISTRICT.
4. THE TOWN PLANNING OFFICER CIRCLEII, SATANARYANAPURAM, VIJAYAWADA
5. THE WARD PLANNING SECRETARY DIVISIONI, SACHUVALAYAM-I, GUNADALA, VIJAYAWADA.

**...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 tomay be pleased to issue a writ, direction, order or orders more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No. 5 in trying to demolish house of the Petitioner admeasuring 130 Sq yards in D. No. 49-3-129, Gandhiji Colony, Gunadala, Vijayawada - 520004 without issuing prior notice and without following due process of law as illegal, arbitrary and unlawful, discriminatory, contrary and violation of principle of natural justice and violation of Article 14, 21 and 300 A of Constitution Of India and consequently direct the Respondents not to demolish and interfere with the peaceful possession and enjoyment of the Petitioner's house bearing D. No. 49-3-129, Gandhiji Colony, Gunadala, Vijayawada - 520004 and to 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

may be pleased to direct the Respondent not to demolish the Petitioner's house admeasuring 130 Sq yards bearing D. No. 49-3-129, Gandhiji Colony, Gunadala, Vijayawada-520004 pending disposal of the above writ petition and to 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 may be pleased to vacate the interim order dated 01.08.2024 passed in I.A. No. 1 of 2024 and dismiss the Writ Petition with exemplary costs for approaching this Hon'ble Court by suppressing material facts and making false and misleading allegations, in the interest of justice, and pass

**IA NO: 1 OF 2026**

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 may be pleased to grant leave to the petitioner to file reply affidavit in W.P No. 16665 of 2024 and pass

**Counsel for the Petitioner:**

1. S BALA MOHAN RANGA

**Counsel for the Respondent(S):**

1. GP FOR REVENUE
2. GP MUNCIPAL ADMN AND URBAN DEV AP
3. S.V.S.S.SIVARAM SC For VMC

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**WRIT PETITION No.16665 of 2024**

**ORDER:**

1. The present writ petition is filed aggrieved by the proposed action of the respondent No.5 to demolish the house of the petitioner on the land admeasuring 130 square yards bearing D.No.49-3-129, Gandhiji Colony, Gunadala, Vijayawada, without issuing any notice or following the due process of law. The petitioner is seeking a direction to the respondents not to demolish the petitioner's house and not to interfere with the peaceful possession and enjoyment of the same.

2. The learned counsel appearing for the petitioner submits that the petitioner is the absolute owner and possessor of land admeasuring 200 square yards, bearing D.No. 49-3-129, Gandhiji Colony, Gunadala, Vijayawada. It is submitted that the petitioner has acquired the property from his ancestors and that he is residing in the said property by raising a thin shed house along with his family. It is stated that the petitioner has been regularly paying the applicable house tax since 2006 and the water tax since 2007. It is submitted that the respondent No.3 acquired 70 square yards of land from the petitioner out of the 200 square yards in the year 2011 for constructing a railway over bridge. It is also submitted that the respondents have been allotted a house under JNNURM Housing Scheme, Jakkampudi, Block No. 72, Flat No.SF2 in

the name of the petitioner's wife towards compensation. It is submitted that the petitioner is residing in the remaining 130 square yards.

3. It is submitted that on 29.07.2024, the 5th respondent had come over to the petitioner's property and called upon the petitioner to vacate the premises within a period of 24 hours, failing which the respondents shall deploy a JCB and demolish the house of the petitioner.

4. It is submitted that the petitioner is now dependent on the income of his son after having met with an accident. It is also submitted that the respondents cannot dispossess the petitioner from his property without following due process of law.

5. The learned standing counsel appearing for the respondent Nos. 3 and 4 submit that a detailed counter has been filed and that the subject property is government irrigation land, and that no valid title or legal rights can vest in the petitioner over the same. It is also submitted that, to rehabilitate the encroachers of the government land, the encroachers were allotted alternative accommodation under the JNNURM Housing Scheme. It is submitted that a flat was allotted in the name of Smt. Nalluri Chandra Leela, when the property under the petitioner's occupation was required for the construction of a road-under-bridge. It is submitted that the petitioner cannot claim right and title over government land. It is submitted that payment of water charges and municipal taxes cannot confer title over the government lands which are under illegal occupation and encroachment. It is also submitted that the

petitioner, along with others, has threatened the 5th respondent when the 5th respondent visited the area for verification. The 5th respondent was threatened with dire consequences, and the petitioner and others threatened to file cases under the SC/ST Prevention of Atrocities (POA) Act in the event the petitioner's possession is disturbed.

6. The learned standing counsel appearing for the respondent Nos. 3 and 4 submit that the petitioner has sold the alternate accommodation provided by the respondents as rehabilitation and resurfaced it over the government irrigation land. It is submitted that no relief can be granted as the petitioner has not submitted any documents to establish his title.

7. The petitioner has filed a reply denying the allegations in the counter, and specifically states that the petitioner has 130 square yards of land. It is also stated in the reply that the respondents have identified 37 encroachments in the affected area and tax assessments were removed for 36 houses except the petitioner’s house. It is submitted that the petitioner’s house is still assessed for tax and, as such, cannot be branded as an encroacher.

8. Heard the learned counsel appearing for the petitioner and the learned standing counsel for the respondent Nos.3 and 4. Perused the material on record.

9. The petitioner has not submitted any valid document or appropriate proceedings that would confer the petitioner's right to occupy the

subject property. Admittedly, the petitioner has not stated as to how the petitioner's ancestors were in occupation of the property. The petitioner also failed to file any additional documents, more so when respondent No.3 has taken a specific stand that the petitioner is an encroacher on the government irrigation canal land.

10. It is also not in dispute that the respondent authorities have allotted a residential unit under the JNNURM Housing Scheme in the name of the petitioner's wife when the property in possession of the petitioner was required for construction of a railway overbridge. The petitioner, having been allotted a residential unit for the displacement from the encroached property, cannot resurface on the government irrigation land and claim a stay as a matter of fundamental right.

11. The petitioner has failed to establish his bona fide right to the subject land, and, as such, he is not entitled to any relief. In light of these considerations, the writ petition deserves to be dismissed.

12. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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

**JUSTICE HARINATH.N**

KGM

Whether the order is:

| | | | |
|---|---|---|---|
| Speaking | | Reasoned | ☑ |
| Reportable | | Non-reportable | ☑ |

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**WRIT PETITION No.16665 of 2024**

Dated 08.09.2026

KGM