Date on which Order/Judgment was reserved	:	30.07.2026
Date on which Order/Judgment was pronounced	:	24.08.2026
Date on which Order/Judgment was uploaded on the website of the High Court	:	24.08.2026

APHC010373492026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

MONDAY, THE 24th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 19989/2026

Between:

1. MADDIPATI VIJAYA RAO, S/O. LATE MADDIPATI YOCHAN, AGED 68 YEARS, R/O. 2-77, DONDAPUDI VILLAGE, GOPALAPURAM MANDAL, EAST GODAVARI DISTRICT, PIN 534318.

...PETITIONER

A N D

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIATE, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, PIN 522239.
2. THE DISTRICT PANCHAYAT OFFICER, RAJAMAHEDRAVARAM, EAST GODAVARI DISTRICT, PIN 533101.
3. THE PANCHAYAT DEVELOPMENT OFFICER, DONDAPUDI GRAM PANCHAYAT, DONDAPUDI VILLAGE, GOPALAPURAM MANDAL,EAST GODAVARI DISTRICT, PIN 534318.
4. THE DONDAPUDI GRAM PANCHAYAT, REPRESENTED BY ITS PANCHAYAT SECRETARY, DONDAPUDI VILLAGE, GOPALAPURAM MANDAL, PIN 534318.
5. POLEPALLI HARICHANDRA PRASAD, S/O LATE GANESH RAO, AGED 61 YEARS, R/O D. NO.1-86, RAJAMPALEM, GOPALAPURAM MANDAL, EAST GODAVARI DISTRICT PIN-534316.
6. PADMAVATI SUBASH CHANDRA BOSE BABU, S/O LATE GANGHADARA RAO, AGED 60 YEARS, R/O RAJAMPALEM, GOPALAPURAM MANDAL, EAST GODAVARI DISTRICT PIN-534318. RR 5 AND 6 ARE IMPLEADED AS PER COURTS ORDER DT. 23.07.2026 IN I.A.NO.2 OF 2026

...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 order direction more particularly

one in the nature of Writ of MANDAMUS declare the action of the Respondents seeking demolition of the Petitioners house bearing No.8-320 House assessment No. 1210 situated at Dondapudi Village, Gopalapuram Mandal, East Godavari District, as illegal arbitrary and contrary to the provision of AP Panchayat Raj Act consequently direct the Respondents not to demolish the Petitioners house bearing No.8-320 House assessment No. 1210 situated at Dondapudi Village, Gopaiapuram Mandal, East Godavari District and to 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 to stay of all further proceedings including demolition of the Petitioner's house bearing No.8-320 House assessment No. 1210 situated at Dondapudi Village, Gopalapuram Mandal, East Godavari District pending disposal of the above writ petition and to pass

IA NO: 2 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 to permit the petitioners herein to be impleaded as respondents 5 and 6 in the above W.P.No.19989 of 2026 and to pass

Counsel for the Petitioner:

1. POLOTHI RAGA SAMYUKTHA

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV
2. SITA RAM CHAPARLA

The Court made the following:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 19989 OF 2026

O R D E R

Heard Sri P.Amarendra Kumar, learned counsel representing Ms.Polothi Raga Samyuktha, learned counsel for the Writ Petitioner, the learned Assistant Government Pleader for Panchayat Raj and Rural Development, the learned Standing Counsel for Gram Panchayat, and Sri Sitaram Chaparla, learned counsel appearing for the respondent Nos.5 and 6.

2. This Writ Petition is filed seeking the following relief:

> *"….to issue order or direction more particularly one in the nature of Writ of Mandamus, declare the action of the respondents seeking demolition of the petitioner's house bearing No.8-320 with House Assessment No.12010 situated at Dondapudi Village, Gopalapuram Mandal, East Godavari District, as illegal, arbitrary and contrary to the provisions of the Andhra Pradesh Panchayat Raj Act, 1994, and consequently, direct the respondents not to demolish the petitioner's aforesaid house and to pass such other order or orders…"*

3. Contents of the affidavit filed by the petitioner, in brief, are that the petitioner is landless poor and he is in possession and enjoyment of the house property, bearing No.8-320, House Assessment No.1210 situated at Dondapudi Village, Gopalapuram Mandal, East Godavari District; that originally, the said house

property is situated in Sy.No.204-2, which was classified as AWD lands (Government Land), in which he constructed a shed in the said property and the petitioner along with his family members have been living in the said house for several years.

(b) That the respondent No.4-Gram Panchayat assessed the property and allotted Assessment No.1210 and collected house tax regularly and also provided water connection and electricity service connection. The respondent No.3 served Notice to the petitioner on 18.07.2026 at 10.30 a.m. directing him to vacate the house immediately, as they are demolishing the house. Though the subject land was classified as Government poramboke, in the absence of vesting rights to respondent Nos.3 and 4, they have no power to evict the petitioner from the subject land. The respondent No.3 without having any power, trying to demolish the house of petitioner. Hence, the Writ Petition.

4. Originally, the Writ Petition was filed against the Official respondents. Subsequently, the respondent Nos.5 and 6 filed I.A.No.2 of 2026, seeking permission of this Court to come on record as parties to the Writ Petition. Accordingly, this Court *vide* Order dated 23.07.2026, permitted them to come on record, and impleaded them as respondent Nos.5 and 6 to the Writ Petition.

5. Learned counsel for the respondent Nos.5 and 6 would contend that the respondent Nos.5 and 6 are old students of Zilla Parishad High School, Rajampalem, and in order to safeguard the playground of Zilla Parishad High School, which is situated at Dondapudi Village in Adangal Sl.No.74 survey and Sub-Divisional No.204-2 to an extent of Ac.3.00 cents from the encroachers, they filed PIL No.273 of 2012 before this Court, and this Court directed the authorities therein to remove the encroachers from the playground within the stipulated time.

Learned counsel further contends that though some of the encroachments were removed from the playground, some other persons again started encroaching the playground, thus, they filed complaint before the District Collector in PGRS *vide* Grievance No.EAG202603236666, dated 23.03.2026. The respondent No.3, to the utter surprise of respondent Nos.5 and 6, issued notices without there being any date and without mentioning the PIL No.273/2012 to the encroachers, as many as 13 members and one of the encroachers filed the present Writ Petition. He further contends that the house tax receipts and water tax receipts do not confer any title over the petitioner’s house. Hence, it is prayed to dismiss the Writ Petition.

6. Learned counsel for the petitioner would contend that the petitioner is in possession and enjoyment of the house property, bearing No.8-320, House Assessment No.1210 situated at Dondapudi Village, Gopalapuram Mandal, East Godavari District, and the subject land was classified as Government poramboke. The respondent No.3, without having jurisdiction over the subject land, issued notice to the petitioner directed him to vacate the subject land, and in the absence of any vesting rights, the respondent Nos.3 and 4 have no power to evict the petitioner from the said land.

7. Perused the entire material available on record.

8. According to petitioner, he is a landless person and he has been in possession and enjoyment of the house property bearing No.8-320, House Assessment No.1210 situated at Dondapudi Village, Gopalapuram Mandal of East Godavari District and the said property is situated in Survey No.204-2, which is classified as Government Land.

9. A perusal of the material on record further goes to show that the respondent Nos.5 and 6 claim that they are the old students of Zilla Parishad High School, Rajampalem, and in order to safeguard the playground of Zilla Parishad High School from the encroachers, which is situated at Dondapudi Village in Adangal Sl.No.74 survey

and Sub-Divisional No.204-2 to an extent of Ac.3.00 cents, they filed PIL No.273 of 2012 before this Court.

10. A perusal of the Order dated 27.08.2012 passed by this Court in PIL No.273 of 2012, this Court disposed of, the aforesaid PIL by directing the authorities as under:

> *"On a perusal of the averments made in the counter affidavit, it appears to us that it is very easy to have a land by way of encroachment and the encroachers are also provided with alternative house sites by acquiring suitable lands. If such is the situation, we are astonished and surprised how the rights of the parties can be protected. However, if such is the state of affairs, we cannot issue any further directions in the matter except to direct the respondent-authorities to remove the encroachments within a period of six weeks from today."*

11. The subject matter of the present case was already dealt by a Division Bench of this Court in Writ Petition (PIL) No.140 of 2022 and Batch, wherein, the Division Bench of this Court, in regard to protecting the government lands of different classifications *viz.* tank land/grama kantham/burial ground/forest land/road margin/ playground/cart track/hill poramboke/coastal areas/ grazing land etc., considering the matter in its entirety and the significant public interest involved, *vide* Common Order dated 14.09.2022, issued the following directions to the authorities concerned:

(i) The Executive authority i.e. Panchayat Secretary, of the respective Gram Panchayats in the State shall identify the Gram Panchayat land, which are unauthorizedly occupied/encroached, and take steps for removal of such encroachments by issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers in terms of the procedure prescribed in Andhra Pradesh Gram Panchayats (Protection of Property) Rules, 2011, notified vide G.O.Ms.No.188, Panchayat Raj & Rural Development (Pts.IV) Department, dated 21.07.2011. This complete exercise shall be done within a period of six months from today.

(ii) So far as the encroachments over the lands concerning the Municipalities/Forest Department/Revenue Department are concerned, even if no separate Rules have been framed prescribing the procedure to be followed in the matter of removal of encroachments over those lands, the officials of the concerned Departments, i.e., the Departments of Municipal Administration, Forest and Revenue, shall also undertake and complete the exercise of identification of unauthorized occupations/encroachments over the lands belonging to their respective Departments, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the principles of natural justice, i.e., issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers, within a further period of four months."

12. In the case on hand also, according to the petitioner himself, he is a landless person and the land in which, he constructed a shed and which he has been in possession and enjoyment along

with his family members, is classified as Government poramboke. Encroaching of public property is an unauthorized act, and paying property taxes or having utility connections like electricity or water on Government poramboke land does not grant legal ownership or right over the same.

13. Therefore, having regard to the facts and circumstances of the case, this Court directs the respondent authorities to act upon and follow the directions issued by the Division Bench of this Court in Writ Petition (PIL) No.140 of 2022 and batch, dated 14.09.2022 scrupulously, and as already notice was issued to the petitioner, the respondent authorities are directed to demolish the structure, bearing No.8-320, House Assessment No.1210 situated at Dondapudi Village, Gopalapuram Mandal, East Godavari District within a period of Three (03) months from the date of receipt of copy of this Order, duly notifying the date and time of demolition, after taking all necessary precautions therefor such as disconnecting power supply. The respondent authorities are further directed to take the aid of requisite police force at the time of demolition of the structure to ensure safety, security as well as maintenance of law and order. It is needless to mention here that the belongings, if any, lying in the subject structure, of the occupants of the said structure be shifted to

a safer place by the occupants within a period of Two (02) weeks from the date of receipt of copy of this order, failing which, the authorities concerned are at liberty to do so at the expenses of the petitioner.

14. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition, shall stand closed.

JUSTICE K. SREENIVASA REDDY

24th August, 2026.

DNB

Whether the Order is:

Speaking	✓	Reasoned	
Reportable		Non-reportable	✓

Note:

Registry is directed to annex copy of Common Order dated 14.09.2022 passed by a Division Bench of this Court in Writ Petition (PIL) No.140 of 2022 and batch.

B/o.
DNB