APHC010053572023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3604]
(Special Original Jurisdiction)

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION No: 2641 OF 2023

Between:

1. GANDIKOTA YEDUKONDALU, , S/O KONDAYA, AGED ABOUT 70 YEARS,OCC. AGRICULTURE, R/O JANAKAYAMAPETA, NAKKAPALLI MANDALAM ANAKAPALLI DISTRICT.
2. GANDIKOTA SRINIVASA RAO, S/O YEDUKONDALLU, AGED ABOUT 30 YEARS, OCC. PRIVATE EMPLOYEE, R/O JANAKAYAMAPETA, NAKKAPALLI MANDALAM ANAKAPALLI DISTRICT.
3. GANDIKOTA NOOKALAMA, W/O YEDUKONDALLU, AGED ABOUT 57 YEARS, OCC. HOUSE WIFE, R/O JANAKAYAMAPETA, NAKKAPALLI MANDALAM ANAKAPALLI DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIATE, VELAGAPUDI, AMARAVATHI GUNTUR DISTRICT.
2. THE SUPERINTENDENT OF POLICE, , ANAKAPALLI DISTRICT.
3. STATION HOUSE OFFICER, NAKKAPALLI POLICE STATION, ANAKAPALLI DISTRICT.

4. GULLIPADU GRAMA PANCHAYAT, , REP BY ITS EXECUTIVE OFFICER, NAKKAPALLI MANDAL, ANAKAPALLI DISTRICT.

5. THE DISTRICT COLLECTOR, ANAKAPALLI DISTRICT AT ANAKAPALLI.

6. THASILDAR, NAKKAPALLI MANDAL, ANAKAPALLI DISTRICT.

7. GAJJALA SRINU, S/O LATE GAJJALA RAMANA, AGED ABOUT 35 YEARS, OCC. EX.ARMY, JANAKAYAMAPETA VILLAGE, NAKKAPALLI MANDAL, ANAKAPALLI DISTRICT.

8. SMT GAJJALA VARA LAKSHMI, W/O LATE RAMANA AGED ABOUT 50 YEARS, OCC. HOUSE WIFE, JANAKAYAMAPETA VILLAGE, NAKKAPALLI MANDAL, ANAKAPALLI DISTRICT.

9. BHUPATHI RAJU VISWANATHA RAJU, S/O VENKATA SUBBA RAJU, AGED ABOUT 59 YEARS, OCC. CULTIVATION, R/O SIVARAJYALAKSHMI NILAYAM, BESIDE SRI PRAKASH JUNIOR AND DEGREE COLLEGE, PAYAKARAOPET, ANAKAPALLI DISTRICT.

10. GAJJALA RAMA GOPAL, S/O.APPANNA AGED ABOUT 40 YEARS, OCC.AGRICLUTURAL JANAKAYAMAPETA VILLAGE, NAKKAPALLI MANDAL, ANAKAPALLI DISTRICT.

11. KOMMARTHI SURIBABU, S/O.KANNAIAH, AGED 55 YEARS, OCC.AGRICULTURAL GULLIPADU PANCHAYAT, NAKKAPALLI MANDAL, ANAKAPALLI DISTRICT.

12. KOMMARTHI RAJYA LAKSHMI, W/O. SURIBABU AGED 50 YEARS, OCC.SARPANCH GULLIPADU PANCHAYAT, NAKKAPALLI MANDAL, ANKAPALLI 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 to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in banishing the petitioners from their village and thereby depriving them from

living in their house and cultivating their lands as illegal, arbitrary and violation of Article 14, 21 and 19(1)(d)(e) of Constitution of India and to consequently direct the respondents to allow the petitioner to live and move in the Janakampeta Villagt, H/o Gullipadu Panchayat, Nakkapalli Mandal, Anakapalli District and to 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 respondents to allow the petitioners to live and move in Janakampeta Village H/o Gullipadu Parchayat, Nakkapalli Mandal, Anakapalli District pending disposal of Writ Petitionand to pass

IA NO: 2 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 grant leave to the petitioner herein /respondent no.4 in WP.No.2641 of 2023 to file counter affidavit in the above writ petition 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 respondent No.6 to file the affidavit and pass

Counsel for the Petitioner(S):

1. V V SATISH

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR REVENUE
3. N SRIHARI (Standing Counsel for ZPP MPP and GRAM PANCHAYAT)

The Court made the following:

THE HONOURABLE SMT. JUSTICE SUNITHA GANDHAM

WRIT PETITION NO.2641 OF 2023

ORDER

This writ petition is filed under Article 226 of the Constitution of India seeking a direction to the respondents to permit the petitioners to reside in and move freely in Janakayampeta Village, H/o. Gullipadu Gram Panchayat, Nakkapalli Mandal, Anakapalli District, and to protect their life and liberty.

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home. I have also perused the material placed on record.

3. The case of the petitioners, in brief, is that they are permanent residents of Janakayampeta Village, H/o. Gullipadu Gram Panchayat, Nakkapalli Mandal, Anakapalli District. Petitioner No.1 claims ownership over land admeasuring Ac.0.09 cents in Survey No.177, Ac.0.14 cents in Survey No.174/2 and Ac.0.34 cents in Survey No.174/9A, which, according to him, was purchased under registered Sale Deed Document No.254 of 2010. Respondent No.7 is stated to be a neighbouring landowner. According to the petitioners, disputes arose between the parties with regard to an irrigation channel, and the petitioners instituted O.S.No.187 of 2019 seeking declaration, which is stated to be pending before the Court of the Junior Civil Judge, Yalamanchili.

4. It is further stated that Respondent Nos.7 and 8 are owners of adjacent land in Survey No.129/3A and that disputes also arose with regard to the alleged encroachment over the petitioners' land. The petitioners further state that a criminal case was registered against them and, after investigation, a charge sheet was filed in C.C.No.366 of 2022,

which is stated to be pending before the Court of the Additional Judicial First Class Magistrate, Yalamanchili. According to the petitioners, the unofficial respondents are politically and financially influential and, with the assistance of their relatives, attempted to excommunicate the petitioners from the village.

5. The petitioners further contend that on 03.11.2022, while petitioner No.2 was proceeding towards his agricultural lands, Respondent Nos.7 and 8, along with their relatives, assaulted him. It is their further case that, on 10.11.2022, the unofficial respondents and their relatives made a statement published in Sakshi newspaper calling upon the petitioners' family not to enter the village. According to the petitioners, on the following day, the respondent police came to their house, threatened them not to enter the village and also threatened them with dire consequences. It is therefore alleged that the petitioners were prevented from residing in the village and cultivating their agricultural lands.

6. The learned Assistant Government Pleader for Home, on instructions, filed a counter affidavit denying the material allegations made in the writ petition. It is stated that the disputes between the parties are essentially civil in nature and that a criminal case was registered against the petitioners. The respondent police specifically denied having threatened the petitioners not to enter the village or cultivate their lands and also denied that the unofficial respondents had threatened to banish or excommunicate the petitioners.

7. It is further stated in the counter affidavit that, pursuant to the representation dated 07.01.2023, the Superintendent of Police, Anakapalli District, conducted an enquiry by examining six witnesses and found that the allegations made by the petitioners were not substantiated. The

counter also refers to the involvement of the petitioners in criminal cases in Cr.No.30 of 2019 of Nakkapalli Police Station for the offences punishable under Sections 353, 447 and 427 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, in Cr.No.144 of 2021 for the offences punishable under Sections 447, 341, 509 and 506 of the Indian Penal Code, and in Cr.No.171 of 2021 for the offences punishable under Sections 420 and 506 of the Indian Penal Code.

8. The learned Assistant Government Pleader for Home ultimately submitted that the respondent police would not interfere in the civil disputes between the petitioners and the unofficial respondents. He further submitted that, if any person attempts to banish or excommunicate the petitioners from the village or interferes with their person or liberty, the respondent police would take appropriate action in accordance with law.

9. Learned counsel for the petitioners, in view of the above submission, submitted that the writ petition may be disposed of with an appropriate direction to the respondent police.

10. Having considered the rival submissions and the material placed on record, this Court is of the view that the disputes between the petitioners and the unofficial respondents, insofar as they relate to title, possession, cultivation and the alleged irrigation channel, are matters which cannot appropriately be adjudicated in a writ petition under Article 226 of the Constitution of India. The pendency of the civil proceedings between the parties also makes it inappropriate for this Court to express any opinion on the merits of those disputes.

11. At the same time, the pendency of civil or criminal disputes between the parties cannot, by itself, authorise any person to interfere with the personal liberty of the petitioners or to prevent them from residing in the

village by resorting to force, intimidation or unlawful means. If the petitioners have any genuine grievance relating to their life, personal liberty or commission of any cognizable offence against them, they are entitled to approach the competent police authority, and such complaint has to be dealt with in accordance with law.

12. In view of the above, and having regard to the submission made on behalf of the respondent police, no further adjudication is required in the present writ petition. Accordingly, the Writ Petition is disposed of, with a direction to the respondent police not to interfere in the civil disputes between the petitioners and the unofficial respondents and, in the event of any complaint regarding threat to the person or liberty of the petitioners or commission of any offence against them, to consider and deal with the same strictly in accordance with law. It is made clear that this order shall not be construed as expressing any opinion on the merits of the civil or criminal disputes between the parties. There shall be no order as to costs.

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

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SUNITHA GANDHAM, J.

Date: 06.10.2026
SSA/ knl