APHC010164812026

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

SATURDAY, THE 10th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 8431 OF 2026

Between:

1. C NAGOOR, S/o C Krishnaiah, Aged about 41 years, R/o D.No.5-49, Ramakrishna Puram Village, Brahmanapattu Post, Tirupathi Rural, Tirupathi District.

2. C Nagabushanam,, S/o C Changaiah, Aged about 55 years, R/o D.No.5-34/1, Ramakrishna Puram Village, Brahmanapattu Post, Tirupathi Rural, Tirupathi District.

3. C Babu,, S/o C Changaiah, Aged about 54 years, R/o D.No.5-34/1, Ramakrishna Puram Village, Brahmanapattu Post, Tirupathi Rural, Tirupathi District.

...Petitioners

AND

1. THE STATE OF ANDHRA PRADESH, represented by its Principal Secretary, Revenue Department, Velagapudi, Guntur District.522237

2. The District Collector and District Magistrate, Tirupathi District, Tirupathi. 517501

3. The Revenue Divisional Officer, Tirupathi Rural Revenue Division, Tirupathi Rural, Tirupathi District. 517501

4. The Tahsildar, Tirupathi Rural Mandal, Tirupathi District. 517501

...Respondents

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, especially one in the nature of Writ of Mandamus, declaring the action of the 4th Respondent in trying to evict petitioners, by measuring petitioners land and trying to lay a road through petitioners private land, to an extent of Ac.1.43.cts in S.No.113/1 Panakam Village, Tirupathi Rural Mandal, Tirupathi District, without passing any order under Sec 6 of The Andhra Pradesh Land Encroachment Act, 1905, in pursuant to the notice dt.24-08-2025 issued by the 4th respondent and explanation dt.01-09-2025 given by petitioners, is illegal, arbitrary, contrary to the Principles of natural justice and the provisions of the Andhra Pradesh Land Encroachment Act, 1905, and Arts 14, 21 and 300- A of the Constitution of India and consequently direct the respondents not interfere with petitioners possession and enjoyment of land stated supra 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 pleased to direct the respondents not interfere with petitioners possession and enjoyment of extent of Ac.1.43.cts in S.No.113/1, Panakam Village, Tirupathi Rural Mandal, Tirupathi District, pending disposal of the above Writ Petition and pass

Counsel for the Petitioners: T V JAGGI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following order:

HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.8431 of 2026

O R D E R:

This writ petition is filed questioning the action of Respondent No.4 in trying to evict the Petitioners by laying a road through the Petitioners private land to an extent of Ac.1.43 cents in Sy.No.113/1, Panakam Village, Tirupathi Rural Mandal, Tirupathi District as illegal and arbitrary.

2. Petitioners are in possession and enjoyment of land to an extent of Ac.1.43 cents in Sy.No.113/1 of Panakam Village, Tirupathi Rural Manda, Tirupathi District. Their paternal uncle by name C. Chengaiah, S/o C. Desayya, purchased the said land by registered sale deed dated 27.05.1999 for consideration. After purchasing of said land, the Petitioners had dug a bore in the land for agriculture purpose. Subsequently, the property was divided between the father of the Petitioners and Paternal uncle equally and both of them are in possession of Acs.0.71. ½ cents respectively.

3. In the revenue records, the Sy.No.113 is sub-divided as Sy.No.113/1, 113/2a, 113/2b and 113/2c. While so, Respondent No.4 issued a notice under Section 7 of A.P. Land Encroachment Act, 1905, dated 24.08.2025 stating that the Petitioners had encroached an extent of Ac.0.05 cents in Sy.No.113/1, where the bore well is located. Later, the Petitioners gave a detailed reply to notice on 01.09.2025 explaining the right over the property. While so, on 28.03.2026, Respondent No.4 and his staff came to the property and started to measure the land for laying road across the land. In that context, the

present writ petition is filed on the premise that Respondents without passing any orders on the explanation of the Petitioners could not interfere with their possession over the schedule land.

4. Learned Assistant Government Pleader for Revenue denies the interference over the schedule property and submits that any action will be taken after passing of final orders to the notice issued under Section 7 of A.P. Land Encroachment Act, 1905, dated 24.08.2025.

5. Considering the above submissions, the writ petition is disposed of directing the Respondents not to interfere with the extent of Ac.0.05 cents in Sy.No.113/1, Panakam Village, Tirupathi Rural Mandal, Tirupathi District, till passing of final orders pursuant to A.P. Land Encroachment Act, 1905.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

NYAPATHY VIJAY, J

Date: 10.10.2026

KLP/VSR