APHC010433542026

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3331]**
**(Special Original Jurisdiction)**

THURSDAY, THE 29th DAY OF OCTOBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**

**WRIT PETITION NO: 23596/2026**

**Between:**

1. K PRADEEP REDDY, S/O K.G.SUBRAMANYAM REDDY AGED ABOUT 32 YEARS, OCC FARMER, R/O D.NO.248, VEDANTHAPURAM VILLAGE, TIRUPATHI RURAL MANDAL, TIRUPATI DISTRICT.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT BUILDINGS, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522238.
2. THE DISTRICT COLLECTOR, TIRUPATI RURAL MANDAL, TIRUPATHI DISTRICT-517503. ERSTWHILE CHITTOOR DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, TIRUPATI, TIRUPATI DISTRICT-517503. ERSTWHILE CHITTOOR DISTRICT.
4. THE TAHSILDAR, VEDANTHAPURAM VILLAGE, TIRUPATI RURAL MANDAL, TIRUPATI REVENUE DIVISION, TIRUPATI DISTRICT-517507. ERSTWHILE CHITTOOR DISTRICT.
5. THE VEDANTHAPURAM GRAM PANCHAYATHI, REP.BY.,VEDANTHAPURAM PANCHAYATH SECRETARY, VEDANTHAPURAM VILLAGE, TIRUPATHI RURAL MANDAL, TIRUPATI DISTRICT-517507. ERSTWHILE CHITTOOR 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 a Writ, Order or direction, or particularly one like a Writ of Mandamus declaring the action of the 4th Respondent issuing under Sec. 6 notice to the petitioner under Andhra Pradesh Land Encroachment Act, 1905 and directing me(the petitioner) to vacate the land within 15 days, without issuing prior mandatory statutory notice u/sec. 7 the show-cause notice directly attacking with issuing Sec.6 Notice for summary eviction is highly illegal, arbitrary, contrary to the law as contemplated under the ' AP LAND ENCROACHMENT ACT,1905' and the impugned notice issued u/s 6 summary eviction by the Respondent No.4 is clear violation of the principles of Natural Justice and contrary to the law apart from being violative of Article 21 of the Constitution of India and consequently direct the Respondent No.4 (Tahsildar) to drop the further proceedings of the notice issued under sec. 6 for eviction and set aside the said impugned notice, direct not to interfere with the peaceful possession and enjoyment of the petitioner's land. Consequently, set aside the impugned notice U/s 6 bearing No. Roc.A/39/2025 dated 29-7-2026

**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 suspend the Operation of the notice issued u/s 6 bearing No. Roc.A/39/2025 dated 29-7-2026 by Respondent No. 4 to evict the petitioner from the petitioner's land, to drop the further proceedings of the notice, which is lawfully inherited from his father (Original Assignee)

**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 direct the Respondents No. 1 to 4 not to take any coercive actions or steps against the Writ Petitioner and not to interfere with the peaceful possession and enjoyment of the Petitioners schedule land extent of Ac.0.15 in Survey No. 220/4 and Ac.0.10 cents in Survey No.220, aggregate total Ac.0.25 cents situated in Vedanthapuram Village, Tirupati Rural Mandal, Tirupati District, erstwhile Chittoor District,

**Counsel for the Petitioner:**

1. CH VENKATA SIVA SESHU BABU

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

1. GP FOR REVENUE

**The Court made the following:**

**::ORDER::**

Heard Sri Ch Venkata Siva Seshu Baby, learned counsel for the petitioner; Sri Divya Theja, learned Assistant Government Pleader for respondents 1 to 4; and Sri Sasanka Bhuvanagiri, learned standing counsel for respondent No. 5.

2. The above writ petition was filed to declare the action of respondent No.4 in issuing proceedings vide Roc.A/39/2025, dated 29.07.2026, under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'), directing the petitioner to vacate the land within fifteen days without issuing a show cause notice under Section 7 of the Act, as illegal and arbitrary.

3. Learned counsel for the petitioner would submit that the petitioner's father was assigned land to an extent of Ac.0-15 cents and Ac.0-10 cents in survey Nos.220/4 and 224 respectively (totaling to Ac.0-25 cents), situated at Vedanthapuram Village, Tirupati Rural Mandal, Tirupathi District, vide DKT patta No.167/4/1393, dated 29.12.1983-Ex.P3, by the then Tahsildar. Thereafter, the Record of Rights (RoR) was updated in favour of the petitioner's father and a pattadar passbook was issued to him vide Ex.P2. After the death of the petitioner's father, on 24.12.2025, the petitioner has been in possession and enjoyment of the land referred to supra. While the things stood thus, respondent No.4 issued the impugned notice under Section

6 of the Act, without issuing notice under Section 7 of the Act. The petitioner sent an explanation in August, 2026. Learned counsel further submits that respondent No. 4 failed to adhere to the procedure mandated under the Act. He would submit that since the lands were assigned to the petitioner's father, the provisions of the Act do not apply to the subject lands.

4. Learned Assistant Government Pleader for Revenue, on the other hand, would submit that the petitioner encroached upon Government land classified as 'Bandidari'. Hence, respondent No.4, followed the procedure envisaged under the Act and initially issued notice under Section 7 of the Act. Later, respondent No.4 passed the impugned order (Ex. P1) under Section 6 of the Act.

5. The points for consideration are :

1. Whether respondent No.4 adhered to the procedure mandated under the Act?

2. Whether the provisions of the Act would apply to the lands assigned under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977?

6. As seen from Ex.P1, the impugned proceedings do not contain any reference as to the issuance of notice under Section 7 of the Act. In an unnumbered para of the proceedings, it mentions the issuance of notice under Section 7 of the Act. However, no particulars i.e. reference number and date, were mentioned.

7. On the other hand, the DKT patta-Ex.P3 filed along with the writ petition *prima facie* demonstrates that the then Tahsildar assigned the lands referred to supra to the petitioner's father. Thereafter, the pattadar passbook was issued vide Ex.P2 and the RoR was updated in his favour.

8. The Division Bench of this Court, in order, dated 15.09.2025, in W.A.No.871 of 2025 observed as under at paras 7 and 8:

> 7. Section 3 of the Act stipulates that any person who is in unauthorized occupation of any land, which is the property of the Government, would be liable to pay assessment. Section 6 of the Act stipulates that any person, who is in unauthorized occupation of the land for which he is liable to pay tax under assessment can be summarily evicted by the Revenue Authorities, subject to prior notice being given under Section 7 of the Act.
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> 8. The jurisdiction of the Revenue Authorities, under Section 6 & 7 of the Act, in evicting any person in occupation of any land, would be available only when such land is a Government property on which the unauthorised occupant is liable to pay assessment.

9. Eventually, the Division Bench, at para No.10 observed that the provisions of the Act will not be applicable in respect of assigned lands.

10. In the case at hand, in fact, the DKT patta-Ex.P3 prima facie demonstrates that the subject lands were assigned to the petitioner's father and the petitioner's father, during his lifetime, filed W.P.No.29256 of 2025 complaining of interference by the respondents therein. The said writ petition was disposed of on 28.10.2025, directing the respondent authorities not to interfere with the subject land without following due process of law. Subsequently, the impugned proceedings were issued. As already noted supra, the impugned proceedings do not reflect issuance of notice under Section 7 of the Act, and no material is placed before this Court regarding issuance of notice under Section 7 of the Act.

11. Since the material on record *prima facie* discloses that the lands are assigned, the provisions of the Act are not applicable, in view of the Division Bench's order in W.A.No.871 of 2025.

12. Given the facts narrated supra, the proceedings impugned suffer from violation of natural justice and also the provisions of the Act and are liable to be set aside.

13. Accordingly, the Writ Petition is allowed at the admission stage. The notice issued by respondent No.4 vide Roc.A/39/2025, dated 29.07.2026, under Section 6 of the Act, is hereby set aside. No costs.

This order will not preclude the authorities from following the due procedure.

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

**JUSTICE SUBBA REDDY SATTI**

Date: 29.10.2026

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