APHC010453542024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3396]
(Special Original Jurisdiction)

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 23248/2024

Between:

1. KAMIREDDY NAGABHSUSHAN REDDY, S/O BHASKAR REDDY, AGED ABOUT 52 YEARS, OCC- BUSINESS, R/O D. NO. 20-3-10/7, SIVA JYOTHI NAGAR, TIRUPATHI URBAN, TIRUPATHI.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY FOREST DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DISTRICT FOREST OFFICER, TIRUPATHI DISTRICT, TIRUPATHI.
3. THE DIVISIONAL FOREST OFFICER, TIRUPATHI DIVISION, TIRUPATHI.
4. THE FOREST RANGE OFFICER, TIRUPATHI, TIRUPATHI 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 topleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus challenging the action of respondent No. 2 and 3 evicting the petitioner from shop No.3, Jungle Book Area, Opposite Anjaneyaswamy Temple, Kapilatheertham, Tirupati without prior notice during the subsistence of the lease period as illegal, arbitrar/, violation of Principles of Natural Justice and violation of Art - 14, 19 and 21 of Constitution of India and consequently direct the respondents not to evict the petitioner from shop

No.3, Jungle Book Area, Opposite Anjaneyaswamy Temple, Kapilatheertham, Tirupati without notice during subsisting lease period till 31-12-2026 and 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 respondents not to evict the petitioner from shop No.3, Jungle Book Area, Opposite Anjaneyaswamy Temple, Kapilatheertham, Tirupati except due process of Law pending disposal of above Writ Petition and pass

IA NO: 2 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 pleased to vacate the Interim Order dated 16.10.2024 passed in I.A. No. 1 of 2024 in W.P.No.23248 of 2024 and dismiss the writ petition

Counsel for the Petitioner:

1. HARINATH REDDY SOMA

Counsel for the Respondent(S):

1. GP FOR FORESTS

The Court made the following Order:

Heard Sri T.D. Phani Kumar, learned counsel appearing for the petitioner and Ms. Kotha Veera Naga Pallavi, the learned Assistant Government Pleader for Forest appearing for the respondents.

2. The present Writ Petition is filed aggrieved by the action of respondent Nos. 2 and 3 in threatening to evict the petitioner to evict from the shop No.3 without following due process of law, during the subsistence of the lease period.

3 Learned counsel for the petitioner would further submits that the subject shop i.e., shop No.3, was allotted to the petitioner on a monthly rent of Rs.15,000/- for a period of three (03) years, pursuant to which a formal lease deed reduced into writing.

4. The learned counsel would further submit that a show cause notice has been issued to the petitioner alleging that the petitioner is selling other than Girijan products.

5. Learned counsel would further contend that, without considering the petitioner's explanation and without following due process of law, the respondent authorities are trying to evict the petitioner forcibly from the subject premises.

6. The learned Assistant Government Pleader for Forest would submit that since show cause notice is already issued to the petitioner alleging

that he is selling products other than the Girijan products.

7. The learned counsel for the petitioner would submit that, even according to the case of the petitioner, the lease period is going to expire by 31.12.2026. He would further submit that the writ petition may be disposed of by granting an opportunity to the petitioner to submit his explanation to the show cause notice and directing the respondent authorities to take an appropriate decision in the matter after considering the same. Till such time, protection may be extended to the petitioner against his eviction from the subject premises.

8. In the light of the submissions made by the learned counsel for the petitioner and the learned Assistant Government Pleader for Forest, and without going into the merits of the case, this Court is of the view that the Writ Petition can be disposed of, particularly in view of the fact that the lease period is stated to expire by the end of December, 2026, and a show cause notice has already been issued to the petitioner.

9. Accordingly, the respondent authorities are directed to afford an opportunity to the petitioner to submit his explanation to the show cause notice and to putforth his contentions. Thereafter, the respondent authorities shall afford an opportunity of hearing to the petitioner and take an appropriate decision in the matter in according with law.

10. Till such exercise is completed, the possession of the petitioner over the subject premises shall be protected. It is represented that the alleged

oral lease is going to expire by 31.12.2026. The learned counsel for the petitioner would submit that the petitioner may be granted protection until the said date, while reserving liberty to him to participate in the future auction for the subject premises.

11. Considering the submissions made and having regard to the fact that the alleged oral lease is due to expire on 31.12.2026, this Court is of the view that the Writ Petition can be disposed of, particularly since the interim order granted by the Coordinate Bench of this Court has been in force till date. Accordingly, the respondent authorities are directed not to evict the petitioner from the subject premises until 31.12.2026. The petitioner is at liberty to participate in the auction, subject to his eligibility and entitlement in accordance with the law.

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

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DR. VENKATA JYOTHIRMAI PRATAPA,J

04.11.2026
RJS/SZT

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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