APHC010518562026

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

TUESDAY, THE 6th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 28170/2026

Between:

1. BURAGA YESUBABU, S/O RATHNAM RAJU, AGED ABOUT 48 YEARS, OCC. FARMER
2. MANNE RAMARAO,, S/O SUBBARAO, AGED ABOUT 48 YEARS, OCC. FARMER
3. MANNE KONDAYYA,, S/O VENKATA RAMAIAH, AGED ABOUT 56 YEARS, OCC. FARMER
4. MANNE KUMARI,, W/O KONDAIAH, AGED ABOUT 51 YEARS, OCC. HOUSE WIFE
5. MANNE RAMUDU,, S/O VENKATA RAMAIAH, AGED ABOUT 57 YEARS, OCC. FARMER
6. MANNE RAMUDU,, S/O MUSALAIAH, AGED ABOUT 67 YEARS, OCC. FARMER
7. GONABOINA TATA RAO,, S/O LAKSHMI NARAYANA AGED ABOUT 48 YEARS, OCC. FARMER
8. GONABOINA VENKATESWARARAO,, S/O LAKSHMI NARAYANA AGED ABOUT 48 YEARS, OCC. FARMER
9. MANNE MUNEESWARARAO,, S/O TRIMURTHULU, AGED ABOUT 46 YEARS, OCC. FARMER
10. MANNE VENKATA DURGA RAO,, S/O VENKATESWARA RAO AGED ABOUT 52 YEARS, OGA FARMER
11. MANNE GOWRI,, D/O K.TATAIAH, AGED ABOUT 46 YEARS, OCC.

HOUSE WIFE

12. MANNE MANGAMMA,, W/O VENKATA RAMAIAH, AGED ABOUT 43 YEARS, OCC. HOUSE WIFE ALL THE PETITIONERS ARE RESIDING AT CHERUKUWADA VILLAGE, ARTHAMURU GRAM PANCHAYAT, UNDI MANDAL, WEST GODAVARI DISTRICT - 534199.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY PRINCIPLE SECRETARY REVENUE DEPARTMENT AP SECRETARIAT, AMARAVATI, VELAGAPUDI, GUNTUR DISTRICT - 522238.
2. THE DISTRICT COLLECTOR, BHIMAVARAM,WEST GODAVARI DISTRICT - 534201.
3. THE REVENUE DIVISIONAL OFFICER, BHEEMAVARAM AT BHIMAVARAM DISTRICT - 534201.
4. THE TAHSILDAR, UNDI MANDAL, WEST GODAVARI DISTRICT - 534199.
5. THE ARTHAMURU GRAM PANCHAYAT, REP.BY. ITS PANCHAYAT SECRETARY, ARTHAMURU VILLAGE, UNDI MANDAL, WEST GODAVARI DISTRICT - 534199.
6. THE CHERUKUWADA GRAM PANCHAYAT, REP.BY. ITS PANCHAYAT SECRETARY, CHERUKUWADA VILLAGE, UNDI MANDAL, WEST GODAVARI DISTRICT - 534199.

...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 toissue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Authorities particularly Respondent No.4 issuing the present Notices to the petitioners individually u/s 6 of the AP Land Encroachment Act III of 1905 vide.Roc.465/2025 (A) dt.23.09.2026 without considering the petitioners explanations dt.11.09.2026 and also trying to demolish the petitioner's residential houses covered in Survey.No.50 and 51 of Cherukuwada Village, within the limits of Arthamuru Gram Panchayat, Undi Mandal, West Godavari

District, is as illegal, arbitrary, violation of Article 14, 21 and 300-A Constitution of India and Consequently direct the respondent authorities to not to demolish the petitioners houses

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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 respondent authorities to not to demolish the petitioners houses, pending disposal of the Writ Petition

Counsel for the Petitioner(S):

1. B.NARASIMHA REDDY

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

ORDER

Heard Sri K.Nagaraju, learned counsel representing Sri B.Narasimha Reddy, learned counsel for the petitioners, Sri Divya Theja, learned Assistant Government Pleader for Revenue for the respondents 1 to 4 and Sri Y.Koteswara Rao, learned standing counsel for the respondents 5 & 6.

2. The 4th respondent-Tahsildar issued notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (Ex.P3). The petitioners submitted their explanations dated 11.09.2026 (Ex.P2), and thereafter the 4th respondent passed an order vide Roc.465/2025(A) dated 23.09.2026 (Ex.P1) under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905.

3. Learned counsel for the petitioners would submit that the 4th respondent-Tahsildar passed the order under Section 6 of the Act without considering the explanations submitted by the petitioners. The Tahsildar also failed to provide an opportunity of hearing to the petitioners.

4. The writ petition was listed on 29.09.2026 and adjourned at the request of learned Assistant Government Pleader for Revenue to get instructions from the 4th respondent-Tahsildar.

5. Today, when the writ petition is taken up, Sri Divya Theja, learned Assistant Government Pleader for Revenue, on instructions of the 4th respondent, would submit that except Ex.P1, no other order was passed by the 4th respondent-Tahsildar.

6. A perusal of the order under Section 6 of the Act does not demonstrate that the explanations submitted by the petitioners (Ex.P2) were considered.

7. This Court, in W.P.No.13839 of 2022 dated 06.05.2022, while reiterating the observations in **Kadiyala Sudershan and others Vs. Government of Andhra Pradesh**[1]**,** set aside the order under Section 6 of the Act on the ground that the order was bereft of reasons.

8. A learned single judge of the composite High Court of Andhra Pradesh in **Kadiyala Sudershan's** case (referred supra), held thus:

> "From the scheme of the Act, this Court is of the opinion that the notice of eviction prescribed under Section 6 of the Act, which is akin to a decree, needs to be supported by a reasoned order comparable to a judgment. Otherwise, Section 7 of the Act providing for issuance of a show-cause notice would be rendered nugatory or reduced to an empty formality."

9. In the case at hand, the order impugned neither manifests consideration of the explanation nor reasons. The order impugned does not withstand the legal scrutiny.

10. Given the facts and circumstances, the Writ Petition is disposed of by setting aside the order vide Roc.465/2025(A) dated 23.09.2026 (Ex.P1)

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passed by the 4th respondent. The matter is remanded to the 4th respondent to pass an appropriate order after considering the explanations submitted by the petitioners (Ex.P3), by providing an opportunity of hearing. Till such time, the 4th respondent shall not interfere with the subject properties mentioned in Ex.P1 notices. No order as to costs**.**

As a sequel, all the pending miscellaneous applications shall stand closed.

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JUSTICE SUBBA REDDY SATTI

PVD