APHC010530342026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3332]
(Special Original Jurisdiction)

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 28934/2026

Between:

1. SMT ROUTHU MASTHANAMMA, W/O LATE CHINA KOTAIAH, AGED ABOUT 85 YEARS, OCC HOUSEHOLD, R/O THIRUMALAMMAPALEM VILLAGE, VENKATACHALAM MANDAL, SPSR NELLORE DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, ROADS AND BUILDINGS DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI-522 237.
2. THE DISTRICT COLLECTOR NELLORE, SPSR NELLORE DISTRICT-524 001.
3. THE SUPERINTENDING ENGINEER ROADS AND BUILDINGS, RAILWAY FEEDERS ROAD, NELLORE, SPSR NELLORE DISTRICT-524001
4. THE EXECUTIVE ENGINEER, ROADS AND BUILDINGS, RAILWAY FEEDERS ROAD, NELLORE, SPSR NELLORE DISTRICT-524 003.
5. THE ASSISTANT EXECUTIVE ENGINEER, RAILWAY FEEDERS ROAD, NELLORE, SPSR NELLORE DISTRICT-524 001.
6. THE TAHSILDAR, VENKATACHALAM MANDAL, SPSR

NELLORE DISTRICT-524 320

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent authorities in proposing to lay road through the petitioner's land in Sy.No. 1464/2-A admeasuring Ac. 2.00 cents situated at Epuru Bit-II, Tirumalammapalem village, Venkatachalam Mandal, SPSR Nellore District, without issuing any notice and following the procedure contemplated under the Law and initiating the Land Acquisition proceedings, as being illegal, arbitrary, and unconstitutional and in contravention of the orders passed by this Hon'ble Court in W.P.No.31041 of 2016 dt.7-2-2023 and consequently direct the respondent authorities not to take any coercive steps without following the due process of Law and not to dispossess or in any manner interfere with the peaceful possession and enjoyment of the petitioner in respect of the above mentioned land

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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 to grant stay of all further proceedings including laying of the road through the petitioner's land in Sy.No. 1464/2-A admeasuring Ac. 2.00 cents situated at Epuru Bit-II, Tirumalammapalem village, Venkatachalam Mandal, SPSR Nellore District, pending disposal of the main Writ Petition

Counsel for the Petitioner:

1. G VENKATESWARLU

Counsel for the Respondent(S):

1. GP FOR ROADS BUILDINGS
2. GP FOR REVENUE

The Court made the following:

ORDER:

Questioning the action of the respondents in proposing to lay road through the petitioner's land in Sy.No.1464/2-A admeasuring Ac.2.00 cents situated at Epuru Bit-II, Tirumalammapalem Village, Venkatachalam Mandal, SPSR Nellore District, without issuing any notice and without following the procedure contemplated under law, the present writ petition is filed.

2. Heard Sri G.Venkateswarlu, learned counsel for the petitioner, Sri Abdul Rasheed, learned Assistant Government Pleader for Roads & Buildings and Sri Venkata Satya Narayana, learned Assistant Government Pleader for Revenue for the respondents.

3. Learned counsel for the petitioner while reiterating the contents of the affidavit filed in support of the writ petition contended that the respondent authorities are trying to lay road in the petitioner's subject land. He further submitted that earlier this Court in W.P.No.31041 of 2016 directed the respondents not to interfere with the possession of the petitioner and not to dispossess him from the subject property except by following due process of law. Despite the said order, the respondent authorities are once again interfering with the subject land and trying to lay a road. If the said action is allowed to continue, it affects the rights of the petitioner, as such, prayed to pass appropriate orders.

4. On the other hand, learned Assistant Government Pleaders for the respondents in one voice submitted that the petitioner had earlier filed W.P.No.31041 of 2016 seeking the very same relief, wherein this Court issued a direction to the respondents not to interfere with the possession of the petitioner except by following due process of law. They further submitted that the petitioner, having already approached this Court in respect of the very same subject matter and having obtained an order therein, cannot file another writ petition seeking the same relief. The writ petition is liable to be dismissed, accordingly, prayed to dismiss the writ petition.

5. Perused the record and considered the submissions made by the learned counsel for the parties.

6. The Hon'ble Apex Court in ***P.Bandopadhya v. Union of India***[1] has categorically held that the principles of *res judicata* are applicable to writ petitions. Admittedly, the very same petitioner had earlier filed W.P.No.31041 of 2016 seeking the very same relief in respect of the subject property. This Court, by order dated 07.02.2023, disposed of the said writ petition with a direction to the respondents not to interfere with the possession of the petitioner without following due process of law.

7. The petitioner, having already approached this Court in respect of the very same subject matter and having obtained an order therein,

[1] 2019 Supreme (SC) 291

cannot once again file the present writ petition seeking the very same relief. Filing writ petitions one after the other seeking the very same relief, even after the issue has already been considered and decided by this Court, is nothing but abuse of the process of law. In view of the law laid down by the Hon'ble Apex Court in the judgment referred to *supra*, this Court is of the firm opinion that the writ petition is liable to be dismissed on the ground of *res judicata.*

8. Accordingly, the Writ Petition is ***dismissed.*** There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

Date: 07th October, 2026
RKS