APHC010562452026

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: 30766/2026

Between:

1. SRI P. POTHU NAIDU,, S/O LATE P. CHINNABBA NAIDU, AGED ABOUT 75 YEARS, OCC. AGRICULTURE, R/O. 6-13, PANTAPALLI VILLAGE, POLAVARAM POST, PUTHALAPATTU MANDAL, CHITTOOR DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI,AMARAVATI.522503
2. THE DISTRICT COLLECTOR, CHITTOOR DISTRICT AT CHITTOOR.517002
3. THE REVENUE DIVISIONAL OFFICER RDO, CHITTOOR DIVISION, CHITTOOR DISTRICT.517001
4. THE TAHSILDAR, PUTHALAPATTU MANDAL, CHITTOOR DISTRICT.517124
5. THE MANDAL REVENUE INSPECTOR, PUTHALAPATTU MANDAL, CHITTOOR DISTRICT.517124

...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 a Writ of Mandamus, declaring the notice bearing Roc.

A/115/2026, dated 18.09.2026, issued by the 4th respondent under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905, directing the petitioner to vacate the land admeasuring Ac.0.62 cents situated in Survey No.782 of Polavaram Village, Puthalapattu Mandal, Chittoor District, within seven days from the date of receipt of the notice, as illegal, arbitrary, contrary to the provisions of the said Act and violative of the principles of natural justice and also violative Article 14, 21 and 300A of Constitution of India, and to set-aside the same and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the land of the petitioner situated in Survey No.782 of Polavaram Village, Puthalapattu Mandal, Chittoor District, without following due process of law

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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 suspend the operation of the notice bearing Roc.A/115/2026, dated 18.09.2026, issued by the 4th respondent under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905, directing me to vacate the land Admeasuring Ac.0.62 cents situated in Survey No.782 of Polavaram Village, Puthalapattu Mandal, Chittoor District,

Counsel for the Petitioner:

1. P SAI SURYA TEJA

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following order:

Heard Ms. Pooja Sri, learned counsel representing Sri P.Sai Surya Teja, learned counsel for the petitioner, and Sri Divya Teja, learned Assistant Government Pleader for Revenue for respondents 1 to 5.

2. Assailing the notice *vide* Roc.A/115/2026 dated 18.09.2026 (Ex.P1), issued by the 4th respondent under Section 6 of the Andhra Pradesh Act III of 1905, (hereinafter referred to as 'Act'), the above writ petition is filed.

3. Learned counsel for the petitioner would submit that the petitioner and his family has been in settled possession of an extent of Ac.1.00 cents in

Sy.No.782 of Polavaram Village, Puthalapattu Mandal, Chittoor District, for a longtime. An electricity connection was sanctioned in the year 1962, *vide* Serial No.14. The then Tahsildar also issued a tree patta on 25.04.1989, *vide* R.C.No.319/1989, under Standing Order No.19-B, paragraph 2, authorising the petitioner to plant and cultivate trees in an extent of Ac.0.75 cents of the said land. It is further submitted that a mango garden presently exists on the subject land.

4. Be that as it may, the notice *vide* Ex.P1 was issued without following the procedure prescribed under the Act. No notice under Section 7 of the Act was served on the petitioner prior to the issuance of the impugned notice under Section 6 of the Act.

5. Sri Divya Teja, learned Assistant Government Pleader for Revenue, on instructions of the 4th respondent, would submit that the petitioner refused to receive the notice under Section 7 of the Act and hence, the said notice was affixed to the fencing. Thereafter, the authority passed an order and issued the notice under Section 6 of the Act.

6. Section 7 of the Act contemplates issuance of a prior notice to the person in occupation of the land. It further stipulates that such notice shall be served in the manner prescribed under Section 25 of the Andhra Pradesh Revenue Recovery Act, 1864 (hereinafter referred to as 'Act II of 1864'), or in such other manner as the State Government may, by rules or order issued under Section 8 of the Act, direct.

7. Section 25 of the Act II of 1864 is extracted hereunder:

> *"**Demand notice to be served prior to attachment of land-Mode of service:***
>
> *- Before a Collector, or other officer empowered by the Collector in that behalf, proceeds to attach the land of the defaulter, or buildings thereon, he shall cause a written demand to be served upon the defaulter, specifying the amount due, the estate or land in respect of which it is claimed, the name of the party in arrear, the batta due to the person who*

> *shall serve the demand, and the time allowed for payment, which shall be fixed with reference to the distance from the land on which the arrear is due to the place at which the money is to be paid. Such demand shall be served by delivering a copy to the defaulter, or to some adult male member of his family at his usual place of abode, or to his authorized agent, or by affixing a copy thereof on some conspicuous part of his last known residence, or on some conspicuous part of the land about to be attached."*

8. A plain reading of the aforesaid provision makes it clear that service of notice must be effected in the manner prescribed therein. The notice may be served by delivering a copy to the person concerned, to an adult male member of his family at his usual place of abode, to his authorised agent, or by affixing a copy at the conspicuous place specified in the provision. In the present case, the 4th respondent contends that the petitioner refused to receive the notice and, therefore, it was affixed to the fencing. However, the mere affixture of the notice to the fencing, without establishing compliance with the prescribed procedure under Section 25 of Act II of 1864, cannot be treated as valid service of notice under Section 7 of the Act. Therefore, the procedure contemplated under Section 7 of the Act, *vis-à-vis* service of notice, which enables a person in occupation to submit an explanation, was not followed.

9. Given the facts and circumstances of the case, and in the absence of valid service of notice under Section 7 of the Act, the impugned notice issued under Section 6 of the Act, *vide* Roc.A/115/2026, dated 18.09.2026 (Ex.P1), is liable to be set aside and is accordingly set aside. Now, a copy of the notice under Section 7 of the Act is available with the petitioner; the petitioner shall submit an explanation within two (02) weeks from the date of receipt of the copy of the order. Thereafter, the authority shall consider the same and pass a reasoned order, after affording the petitioner an opportunity of hearing. Till a reasoned order is passed, the authority shall not interfere with the land mentioned in the notices referred to *supra*.

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

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

JUSTICE SUBBA REDDY SATTI

Date: 29.10.2026
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