APHC010572292026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-5 [3584]

WRIT APPEAL NO: 1274 of 2026

Yalamanchili Sri Chaitanya Dev, ...Appellant

Vs.

State of Andhra Pradesh and Others ...Respondent(s)

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CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN

DATE : 10th November 2026

Present:

Advocate for Appellant: MR. B P RAJU

Advocate(s) for Respondent(s): GP FOR ROADS & BUILDINGS, GP FOR LAND ACQUISITION, GP FOR REVENUE, MR. V V SATISH (SC for APEPDCL); & MR.YARRAGUNTLA.KOTESWARA RAO, (SC FOR ZPPs, MPPs & Gram Panchayats).

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JUDGMENT: (per Hon'ble Sri Justice Challa Gunaranjan)

Present appeal is directed against order, dated 13.07.2026, passed in W.P. No. 27468 of 2025, whereby writ petition preferred by present appellant has been dismissed by learned Single Judge.

2. Appellant-writ petitioner filed writ petition questioning the action of respondents in constructing electrical sub-station in his site

admeasuring Ac.0.50 cents in R.S. No. 52/2 of Koniki Village, Pedapadu Mandal, Eluru District, without any authority of law and acquiring land, which does not form part of land already acquired to an extent of Ac.2.03 cents in R.S. No.52/1, as arbitrary and illegal.

3. **(a)** Appellant claims to be absolute owner and possessor of land to an extent of Ac.4.00 in R.S. Nos.52/1 and 52/2, situated at Koniki Village, Pedapadu Mandal, Eluru District. An extent of Ac.2.03 cents in R.S. No.52/2 was acquired by respondents for the purpose of laying R&B road, and award, dated 28.11.2002, was passed. Thereafter, respondents laid the road in R.S. No.52/1 instead of 52/2, and now, proposal was made to construct sub-station in an extent of Ac.0.50 cents in R.S. No.52/2, which was never acquired and continues to be owned by appellant. In fact, proposal for construction of the sub-station emanated on account of “No Objection Certificate” stated to have been issued by Deputy Executive Engineer, which was after nearly 24 years of acquisition.

(b) Initially, when respondents sought to dump material for the purpose of constructing sub-station, appellant stated to have filed W.P. Nos.5211 of 2025 and 7989 of 2025 with similar prayer, however, later a comprehensive writ petition has been filed.

4. Respondents, through Tahsildar, filed counter-affidavit, *inter alia,* pleading that land in R.S. No.52/2 to an extent of Ac.2.03 cents has been classified as R&B road, which was acquired under the provisions of Land Acquisition Act and vested with Government. Part of it is now sought to be used for construction of sub-station. Though award was passed way back on 28.11.2002, in view of *inter se* disputes amongst parties, compensation was deposited before the Court of Principal Senior Civil Judge at Eluru in L.A.O.P. No.30 of 2008, and the same was disposed, vide orders, dated 12.09.2017, by allotting shares to respective claimants, including appellant herein. After securing No Objection Certificate from R&B Department, part of land was used for construction of sub-station, thus, pleaded for dismissal of writ petition.

5. Learned Single Judge, after considering submissions made above, after calling for report from the Mandal Surveyor, in order to ascertain whether the land in which sub-station was being constructed would fall in Survey No.52/1, as claimed by appellant, or Survey No.52/2, and based on report suggesting otherwise, dismissed the writ petition. Assailing the same, present appeal is preferred.

6. Mr.B.P. Raju, learned counsel for appellant and Mr.V.V. Satish, learned Standing Counsel for APEPDCL, appearing for contesting respondents.

7. Learned counsel for appellant strenuously contended that though land was acquired for the purpose of formation of R&B road, respondents, instead of utilizing the same for aforesaid purpose, resorted to constructing sub-station, which is impermissible. He further contended that sub-station had been constructed in Survey No.52/1, which was not part of earlier acquisition, and disputed the report submitted by Mandal Surveyor.

8. Opposing said submissions, learned Standing Counsel for APEPDCL contended that sub-station had been constructed in Survey No.52/2, which was acquired earlier for formation of road, once the land got vested in Government, it is always open for the State to utilize the same for public purpose. He further contended that appellant had never challenged earlier land acquisition proceedings under which an extent of Ac.2.03 cents in Survey No. 52/2 was acquired, therefore, appellant has no right over the same. Therefore, he would urge for dismissal of appeal.

9. Perused the record.

10. As seen from award, dated 28.11.2002, an extent of Ac.2.03 cents was acquired in R.S. No.52/2. Compensation was determined and deposited before competent jurisdictional Court, as there were *inter se* disputes with respect to apportionment of the same. Appellant asserts

that land over which sub-station is being constructed would fall in Survey No.52/1 and not 52/2. Except for his assertion, there is no material on record to suggest the same. On the contrary, Mandal Surveyor submitted report before learned Single Judge stating that sub-station was constructed in an extent of Ac.0.50 cents, which form part of Ac.2.03 cents initially acquired for laying road by R&B Department.

11. Though learned counsel for appellant tried to contend that respondents cannot change nature of use other than the purpose for which initial acquisition was made, we do not find any substance in the said submission, inasmuch as construction of sub-station would definitely be for public purpose. At any rate, once compensation is paid and in the absence of challenge to either land acquisition proceedings or for that matter award passed thereafter, appellant would have no right over the said property.

12. Insofar as the contention of appellant that sub-station falls in Survey No.52/1, which has been seriously denied and disputed by respondent Corporation, coupled with report of Mandal Surveyor, we do not see any reason to disbelieve the stand of respondents, and at any rate, such seriously disputed questions of fact cannot be decided by either Writ Court or in appellate jurisdiction.

13. Therefore, the order of learned Single Judge does not suffer from any infirmity calling for interference.

14. Accordingly, writ appeal stands dismissed. No order as to costs.

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

LISA GILL, CJ **CHALLA GUNARANJAN, J**

Dt.10-11-2026.
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