IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

Bench Sr.No:-8
[3584]

APHC010590912026

IA.No.1,2, 3 & 4 of 2026

in/and

WRIT APPEAL NO: 1269 of 2026

Malapati Lakshmi Kumari ...Applicant/Appellant

Vs.

K Durga Malleswara Rao and Others ...Respondents

****

CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN

DATE : 10th November, 2026

Present :

Advocate for Appellant(s) : Mr N Ashwani Kumar

Advocate(s) for Respondent(s): Mr K S Murthy, Senior Counsel with Mr Venkat Challa for R.1 to R.5, GP for Panchayat Raj & Rural Development, GP for Revenue, Mr Yarraguntla Koteswara Rao, SC for ZPPs, MPPs and Gram Panchayats, Mr Goli GVS Sai representing Mr S.V.S.S.Siva Ram, SC for VMC, GP for MA & UD

LISA GILL, CJ:

IA.No.2 of 2026:

1. Filing of certified copy of order dated 12.12.2025 in WP.No.25164 of 2024 is dispensed with.

2. Application is disposed of accordingly.

IA.No.1 of 2026 & WA.No.1269 of 2026:

3. This appeal has been filed for setting aside order dated 12.12.2025 passed by learned Single Bench whereby WP.No.25164 of 2024 filed by respondents – writ petitioners was disposed of with following directions:

> "**The 5th respondent-Gram Panchayat shall take steps for removal of encroachments, if any made in the Panchayat Drain/Canal situated in both sides of the Donka road in Sy.No.411/1 to 5 and also in R.S.Nos.416 & 417 of Old Sri Mohd. Imtiaz Nagar (New Bommasani Nagar) of Urmila Nagar, Gollapudi village, Vijayawada Rural, Krishna District, in accordance with law by issuing show cause notices to all the concerned parties inviting explanation by giving reasonable time and to pass a reasoned order after providing an opportunity of being heard and communicate the same to all the parties concerned in accordance with law within three(03) months from the date of receipt of copy of this order."**

4. Learned counsel for applicants – appellants submits that appellants were not impleaded as parties to writ petition; subsequent to passing of aforesaid order, show cause notices have been issued to them by Gram Panchayat stating that as per decision in WP.No.25164 of 2024, present appellants are found to have illegally encroached upon land in question; challenging said show cause notices issued to them, applicants – appellants

have preferred independent writ petitions, however, they have been put to prejudice on account of order dated 12.12.2025 which was passed without impleading them and necessarily not affording them an opportunity of hearing.

5. We have heard learned counsel for parties and have perused the file. Perusal of order dated 12.12.2025 reveals that same is an innocuous order without any decision as to illegal encroachment upon land in question by any particular person/s. Direction given to Gollapudi Gram Panchayat is to take steps for removal of encroachments ***if any*** made in the panchayat drain/canal situated in both sides of donka road in Sy.No.411/1 to 5 as well as R.S.Nos.416 & 417 of Old Sri Mohd.Imtiaz Nagar (New Bommasani Nagar) of Urmila Nagar, Gollapudi Village, Vijayawada Rural, Krishna District, in accordance with law, after issuing show cause notices to all concerned parties. It is further directed that parties be given reasonable time to submit their explanation and thereafter a reasoned order is to be passed after giving due opportunity of hearing to the parties. Admittedly, there is no declaration of illegal encroachment by any particular person/s. We do not find any ground to cause interference in order dated 12.12.2025. In the given factual matrix, determination of encroachment if any by applicants – appellants or any other person/s has to be carried out independently on the basis of available documents and the ground reality.

6. There is a delay of 296 days in filing of writ appeal. As the matter has been heard and decided on merits, adjudication on application seeking

condonation of delay is rendered academic. I.A.No.3 of 2026 is disposed of accordingly.

7. I.A.No.4 of 2026, seeking stay of impugned order, is rendered infructuous in view of decision of appeal itself and is disposed of accordingly.

8. IA.No.1 of 2026 and Writ Appeal are accordingly dismissed.

LISA GILL, CJ

CHALLA GUNARANJAN, J

10.11.2026

Vjl

Whether the order is Speaking/Reasoned : Yes / No

Whether the order is Reportable : Yes / No