APHC010991142017

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3209]
(Special Original Jurisdiction)

THURSDAY, THE 12th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 43403 OF 2017

Between:

1. AALA RAMA DEVI, W/O.VENKATESHWARA RAO, AGED ABOUT 59 YEARS, OCC: HOUSEWIFE, R/O. PUDIMADAKA ROAD, ANAKAPALLI TOWN, VISAKHAPATNAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, A.P.SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, PRAKASAM DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, ONGOLE, PRAKASAM DISTRICT.
4. THE TAHSILDAR, MADDIPADU MANDAL, PRAKASAM DISTRICT.
5. NAGINENI VENKATA SUBBA RAO S/O VENKAIAH, R/O HYDERABAD R/O DENUVAKONDA VILLAGE, ADDANKI MANDAL, PRAKASAM DISTRICT.
6. GUNTUPALLY RAVIBABU S/O VENKATESWARLU, R/O ONGOLE, R/O NARNEVARIPALEM VILLAGE, ADDANKI MANDAL, PRAKASAM DISTRICT.
7. JONNALAGADDA RAMESH BABU S/O RAMAYYA, R/O DENUVAKONDA VILLAGE, ADDANKI MANDAL, PRAKASAM DISTRICT

8. N LAKSHMI RAJYAM W/O VENKATA SUBBA RAO, R/O HYDERABAD, R/O DENUVAKONDA VILLAGE, ADDANKI MANDAL, PRAKASAM DISTRICT.
9. JONNALAGADDA SRINIVASA RAO S/O SUBBA RAO, R/O DENUVAKONDA VILLAGE, ADDANKI MANDAL, PRAKASAM DISTRICT
10. JONNALAGADDA SUBBARAO S/O SUBBA RAO, R/O DENUVAKONDA VILLAGE, ADDANKI MANDAL, PRAKASAM DISTRICT RR 5 TO 10 ARE IMPLEADED AS PER THE C.O. DATED.22.06.2023 VIDE ORDER PASSED IN IA NO. 1 OF 2021

...RESPONDENT(S):

Counsel for the Petitioner:

1. K SAIRAM MURTHY

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)
2. SUBBA RAO KORRAPATI

The Court made the following ORDER:

Challenging the Notice dated 05.12.2017, issued by the 4th respondent, the present Writ Petition is filed.

2. Learned counsel for the petitioner *inter alia* submits that the impugned notice without reference to any provision of law is not sustainable and liable to be set aside. Referring to the averments made in the affidavit filed in support of the Writ Petition he submits that the petitioner made an application to the 2nd respondent during March, 2017 with a request to grant / alienate of Government lands of an extent of Ac.0-60 cents of Garlapadu Village, Maddipadu Mandal, on payment of Market Value as the petitioner is in possession of the same. Pursuant to the said application, 2nd respondent directed submission of a report after conducting an enquiry. Survey of the said land was conducted and while the petitioner was under impression that alienation / assignment of the land would be made in view of the request / application made by the petitioner, the present impugned notice was issued. He further submits that though in the counter affidavit it is *inter alia* stated that the application of the petitioner for grant of assignment / alienation of land on payment of market value was rejected, nothing was communicated to the petitioner nor any such order was filed along with the counter affidavit. He also submits that even assuming that the 4th respondent is of the opinion that the petitioner has encroached the Government Poramboke land (Bandi

Dari), appropriate proceedings in accordance with the relevant statute / A.P. Land Encroachment Act has to be initiated. Without resorting to such action in accordance with law, the present Notice was issued and the same is, therefore, liable to be set aside.

3. On the other hand, learned Assistant Government Pleader and learned counsel representing the 5th to 10th respondents made submissions with reference to various averments made in the respective counter affidavits.

4. Considered the submissions made and perused the material on record.

5. At the outset, it may be appropriate to note that even as per the case set out by the petitioner, she made an application for alienation of the land of an extent of Ac.0-60 cents in Sy.No.88/2, with reference to which the impugned Notice was issued, on payment of Market Value. As pointed out by the learned counsel for the petitioner in the impugned notice, there is no reference to the provisions of any enactment, though it is alleged that the petitioner encroached the Government land and causing inconvenience to the ingress and egress of the neighbouring land owners. Be that as it may.

6. The issue with regard to inaction of the State and its authorities in protecting the Government lands of different classifications viz., tank land / grama kantham / burial ground / forest land/ road margin / play ground /

cart track/hill poramboke / coastal areas / grazing land etc., fell for consideration before a Division Bench of this Court in W.P.(PIL) No.140 of 2022 and batch. The Hon'ble Division Bench disposed of the said Writ Petition with the following directions:

> "7. Considering the matter in its entirety and the significant public interest involved, we deem it appropriate to issue the following directions to the authorities:
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> (i) The executive authority, i.e., Panchayat Secretary, of the respective Gram Panchayats in the State shall identify the Gram Panchayat lands, which are unauthorizedly occupied/encroached, and take steps for removal of such encroachments by issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers in terms of the procedure prescribed in Rules of 2011. This complete exercise shall be done within a period of six months from today.
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> (ii) So far as the encroachments over the lands concerning the Municipalities / Forest Department / Revenue Department are concerned, even if no separate Rules have been framed prescribing the procedure to be followed in the matter of removal of encroachments over those lands, the officials of the concerned Departments i.e., the Departments of Municipal Administration, Forest and Revenue, shall also undertake and complete the exercise of identification of unauthorized occupations/encroachments over the lands belonging to their respective Departments, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the principles of natural justice, i.e., issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers, within a further period of four months."

7. In the light of the said directions, which are binding on all the concerned authorities, appropriate action has to be taken for removal of

encroachments. At this juncture, it may also be appropriate to mention that to the specific allegations made in the counter affidavit no reply is filed in rebuttal. Be that as it may. As the respondent authorities are required to take action in case of encroachment / illegal occupation of Government or other lands as referred to in the above extracted directions by giving due opportunity, the Writ Petition is disposed of providing that the respondent authorities shall issue appropriate notice to the petitioner by referring to specific provisions of law / enactment and pass orders after affording an opportunity of hearing, as expeditiously as possible, in any event, within a period of eight (08) weeks from the date of receipt of a copy of this order. Till such time, *status quo* with regard to the subject matter property, existing as on date, shall be maintained in all respects.

8. With the above observation the Writ Petition is disposed of. No costs.

9. Consequently, the Miscellaneous Applications pending, if any, shall stand closed.

NINALA JAYASURYA,J

Date:12.11.2026.
Ssv

Whether the order is :
Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 43403 OF 2017

Date:12.11.2026

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