

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI  
(Special Original Jurisdiction)



WEDNESDAY, THE FIFTH DAY OF JULY  
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 15974 OF 2023

Between:

Bathula Raju, S/o.late China Venkanna, Aged about 62 years, R/o.D.No.2-14,  
R/o.Kontheru Village, Yelamanchili Mandal, West Godavari District.

...PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Panchayat Raj Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector (Panchayat Wing), West Godavari District at Bhimavaram.
3. The Divisional Panchayat Officer, Bhimavaram, West Godavari District.
4. The Kontheru Gram Panchayat, Kontheru Village, Yelamanchili Mandal, rep.by its Secretary.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus, or other appropriate writ, order or direction, declaring the action of the 4th respondent herein in threatening to dispossess and demolish the shed erected by the petitioner at road margin within the Kontheru Gram Panchayat Limits, Kontheru Village, Yelamanchili Mandal, West Godavari District pursuant to the notice dated 03-03-2023 issued by the 4<sup>th</sup> respondent herein without considering the explanation dated 07-03-2023 submitted by me and without passing reasoned order as illegal, irregular, violative of principles of natural justice and offends Articles 14, 21 and 300-A of Constitution of India, Violative of provisions of Andhra Pradesh Panchayat Raj Act, 1994 and also contrary to the Andhra Pradesh Grama Panchayat (Protection of Property) Rules, 2011.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents 2 to 4 herein not to dispossess and not demolish the shed erected by the petitioner at road margin within the Kontheru

Gram Panchayat Limits, Kontheru Village, Yelamanchili Mandal, West Godavari District by suspending the notice dated 03-03-2023 issued by the 4<sup>th</sup> respondent herein, pending disposal of the writ petition.

**Counsel for the Petitioner: SRI. P L NARASIMHA RAO**

**Counsel for the Respondent Nos. 1 to 3: GP FOR PANCHAYAT RAJ RURAL DEV**

**Counsel for the Respondent No. 4: SRI N SRI HARI (SC For GRAMPANCHAYAT)**

**The Court made the following: ORDER**

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

**THE HON'BLE SRI JUSTICE NINALA JAYASURYA**

**WRIT PETITION No.15974 of 2023**

Between:-

Bathula Raju

....

Petitioner

And

The State of Andhra Pradesh,

Rep. by its Pri.Secretary, Panchayat Raj Department,

Secretariat, Velagapudi, Amaravati,

Guntur District & 3 others.

....

Respondents

Counsel for the petitioner

:

Mr. P.L.Narasimha Rao

Counsel for the respondents

:

G.P. for Panchayat Raj &  
Rural Development

Mr.N.Srihari, Standing Counsel  
for Gram Panchayat

**ORDER:**

Heard learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Panchayat Raj representing respondents 1 to 3 and learned Standing Counsel for the 4<sup>th</sup> respondent-Gram Panchayat. With their consent, the Writ Petition is disposed of at the stage of admission.

2. The Writ Petition is filed challenging the notice dated 03.03.2023 issued by the 4<sup>th</sup> respondent directing the petitioner to demolish the shed erected at the road margin within the Kontheru Gram Panchayat Limits, Kontheru Village, Yelamanchili Mandal, West Godavari District, within a period of three days from the date of receipt of the said notice as illegal, arbitrary, etc.

3. The learned counsel for the petitioners raised several contentions in the Writ Petition and submits that the impugned notice dated 03.03.2023 is wholly unsustainable in Law, in as much as, no prior notice, much less a show cause notice was issued to the petitioner and straight away directions were issued. He submits that the petitioner submitted his reply/explanation on 07.03.2023 and the 4<sup>th</sup> respondent is expected atleast to consider the same before resorting to further action. The learned counsel also submits that the 4<sup>th</sup> respondent under political pressure is taking steps in a haste manner to dispossess the petitioner from the subject matter land and therefore, under the said circumstances the petitioner is constrained to approach this Court. He submits that any action on the part of the 4<sup>th</sup> respondent before passing appropriate orders on the petitioner's reply/explanation, is contrary to law.

4. The learned Standing Counsel representing the 4<sup>th</sup> respondent submits that so far no final orders have been passed pursuant to the notice dated 03.03.2023 and it is only a mere apprehension of the petitioner that before passing orders on the reply submitted by him, the respondents are trying to take coercive action in respect of the subject matter property.

5. Considering the submissions, this Court instead of keeping the Writ Petition pending, deems it appropriate to dispose of the same, with a direction to the 4<sup>th</sup> respondent not to take any coercive action in respect of the subject matter property, without passing appropriate orders, in accordance with Law, pursuant to the impugned notice. The 4<sup>th</sup> respondent shall pass orders, as expeditiously as possible, at any rate, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Miscellaneous petitions pending if any, shall stand closed.

**SD/- K. KASI RAO ACHARI**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

*[Signature]*  
**SECTION OFFICER**

To,

1. The Principal Secretary, Panchayat Raj Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector (Panchayat Wing), West Godavari District at Bhimavaram.
3. The Divisional Panchayat Officer, Bhimavaram, West Godavari District.
4. The Kontheru Gram Panchayat, Kontheru Village, Yelamanchili Mandal, rep. by its Secretary.
5. One CC to SRI. P L NARASIMHA RAO Advocate [OPUC]
6. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court Of Andhra Pradesh. [OUT]
7. One CC to SRI. N SRI HARI, Advocate [OPUC]
8. Two CD Copies

Csb  
Sk

*Puj/Na*

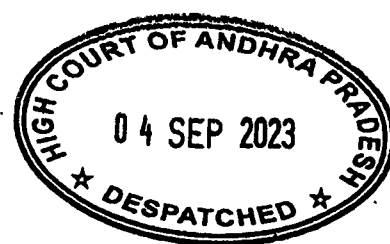
**HIGH COURT**

**DATED:05/07/2023**

**ORDER**

**WP.No.15974 of 2023**

10 Copies  
TP  
16/8/2023



**DISPOSING THE WP WITHOUT COSTS**