APHC010531312026

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

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOs: 28877 & 28893 OF 2026

WRIT PETITION NO: 28877 OF 2026

Between:

1. Shaik Meeramma, W/o. Late Sri Shaik Hussain alias Hussain Saheb, aged about 70 years, Occ House Wife, R/o. House No.7-162, Masjid Thota, Podili Village and Post, Podili Mandal, Prakasam District, Andhra Pradesh-523230.

2. Sri Shaik Bajivali, S/o. Late Sri Shaik Hussain alias Hussain Saheb, Occ Daily Labour Aged about 38 Years, R/o. House No.7-162, Masjid Thota, Podili Village and Post, Podili Mandal, Prakasam District, Andhra Pradesh-523230.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Velagapudi, Amaravati, Andhra Pradesh-522238.

2. Kanigiri Municipality, Rep by its Commissioner, Kanigiri Town and Mandal, Markapur District, Andhra Pradesh-523230.

3. The Tahsildar, Kanigiri Mandal, Markapur District, Andhra Pradesh-523230.

4. The Executive Engineer, Roads and Buildings Department, Kangiri Division, Markapur District, Andhra Pradesh-523230

...Respondents

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 action of the Respondent authorities, particularly the 2nd Respondent, in issuing the impugned notice vide Proceedings Rc. No.282/2020/E1, dated 28.09.2026, in respect of the petitioners residential property situated in Survey No.713, bearing House No.1-63/10A, Pathuru, Revenue Ward No.1, Kanigiri Town and Mandal, Markapur District, alleging encroachment upon the Roads and Buildings Department road in Survey No.493/B and threatening removal of the alleged encroachment without properly identifying and demarcating the subject property and without affording the petitioners an effective opportunity of hearing, as illegal, arbitrary, unreasonable, violative of the principles of natural justice and in violation of Articles 14, 21 and 300-A of the Constitution of India, and consequently set aside the impugned notice and direct the Respondent authorities not to interfere with the petitioners' peaceful possession and enjoyment of the subject property or remove, demolish or damage the existing residential structure except by strictly following due process of law, and pass

IA NO: 1 OF 2026

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 impugned Final notice vide Proceedings Rc. No.282/2020/E1, dated 28.09.2026, and consequently direct the Respondent authorities not to dispossess the petitioners from the subject property or remove, demolish or damage the existing residential structure, pending disposal of the present Writ Petition, and pass

Counsel for the Petitioners: GAJJALA MALLIKARJUNA REDDY

Counsel for the Respondents: GP FOR ROADS BUILDINGS

Counsel for the Respondents: GP FOR REVENUE

Counsel for the Respondents: GP MUNCIPAL ADMN AND URBAN DEV AP

WRIT PETITION NO: 28893 OF 2026

Between:

1. KOLIKI NARAYANA, S/o. Koliki Atchaiah, Aged about 50 years, Occ Daily Labour, R/o. Door No.1-63/C, Assessment No.155, near Pathuru Tank Bund, Kanigiri Town and Mandal, Markapur District, Andhra Pradesh

2. Koliki Eswar,, S/o. Koliki Narayana, Aged about 23 years, Occ Daily Labour, R/o. Door No.1-63/C, Assessment No.155, Near Pathuru Tank Bund, Kanigiri Town and Mandal, Markapur District, Andhra Pradesh-523230.

...Petitioners

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Velagapudi, Amaravati, Andhra Pradesh-522238.

2. Kanigiri Municipality, Rep by its Commissioner, Kanigiri Town and Mandal, Markapur District, Andhra Pradesh-523230.

3. The Tahsildar, Kanigiri Mandal, Markapur District, Andhra Pradesh-523230.

4. The Executive Engineer, Roads and Buildings Department, Kangiri Division, Markapur District, Andhra Pradesh-523230

...Respondents

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 action of the Respondent authorities in issuing the impugned Final Notice vide Proceedings No. R.O.C. No.282/2020/1, dated 28.09.2026, affixed to the wall of the petitioners' residential house on 03.10.2026, directing the petitioners to vacate the subject house within seven (7) days, without duly considering their explanation dated 25.09.2026 and without complying with the directions issued by this Hon'ble Court in W.P. No.26940 of 2026, dated 18.09.2026, as illegal, arbitrary, unreasonable, contrary to the orders of this Hon'ble Court, violative of the principles of natural justice and in violation of Articles 14, 21 and 300-A of the Constitution of India, and consequently set aside the impugned Final Notice and direct the Respondent Authorities not to interfere with the petitioners' peaceful possession and enjoyment of the subject property or remove, demolish or damage the existing residential structure except by strictly following due process of law,

IA NO: 1 OF 2026

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 SUSPEND the impugned Final Notice vide Proceedings No. R.O.C. No.282/2020/1, dated 28.09.2026, pending disposal of the present Writ Petition

Counsel for the Petitioners: GAJJALA MALLIKARJUNA REDDY

Counsel for the Respondents: GP FOR ROADS BUILDINGS

Counsel for the Respondents: GP FOR MUNCIPAL ADMN URBAN DEV

Counsel for the Respondents: GP FOR REVENUE

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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The Court made the following Common Order:

Heard Sri Gajjala Mallikarjuna Reddy, learned counsel for the petitioners, learned Assistant Government Pleader for Municipal Administration and Urban Development and Sri Gudapati Lakshmi Narayana, learned Standing Counsel for the respondents/Municipality.

2. Being aggrieved by the proceedings of the respondents Municipality issued under Sections 189, 191, 192, 360 and 361 of the Andhra Pradesh Municipal Act, 1965, dated 28-09-2026, the instant Writ Petition is filed.

3. The petitioners contend that they are the absolute owners of the house property situated in Sy.No.713, bearing House No. 1-63/10A, Pathuru, Revenue Ward No. 1, Kanigiri Town and Mandal, Markapur District. The respondents, referring to the orders passed by this Court in W.P.No.26940 of 2026, have issued the impugned proceedings alleging that the petitioners are in unauthorised occupation of Sy.No.493/B and have thus constructed a house by encroaching on the road margin.

4. Learned counsel for the petitioners contend that they are not concerned with Sy.No.493/B, and that the house property is situated in Sy.No.713. However, the respondents, by citing different Survey numbers, are threatening to demolish the structure.

5. Sri Gudapati Lakshmi Narayana, learned Standing Counsel for the respondents/Municipality has placed before the Court a copy of instructions received by him in the case. A perusal of the same would reflect that pursuant to the directions of this Court, the petitioners were asked to submit their documents in support of their title. The petitioner did not submit any documents. Thereafter, the impugned notice was issued to prevent encroachment. It is further contended that the Sy.No.713 is recorded in the revenue records as 'Patta' land and Sy.No.493/B an extent of Ac.2.94 cents is recorded in the revenue records as 'Donka Poramboke'. As per the survey conducted by the survey authorities the petitioners' occupation is in Sy.No.493/B which is recorded as 'Donka Poramboke'. The petitioners cannot claim any lawful right over the said survey number. Therefore the impugned proceedings are in accordance with law. It is further contended that this Court earlier directed, if the petitioners possession is unauthorized, the respondents are at liberty to pass appropriate orders and the respondents were directed to issue appropriate notice before passing any orders against the petitioners. In the light of the said order, the respondents have issued the impugned proceedings.

6. Considered the submissions. A perusal of the impugned proceedings, it reflects that the petitioners has encroached Sy.No.493/B where as the contention of the petitioner is that they are in occupation of Sy.No.713 not in Sy.No493/B.

7. Having regard to the rival contentions, this Court deems it appropriate to dispose of the Writ Petition directing the respondents/Corporation to conduct a survey afresh with the assistance of the Mandal Surveyor in the presence of the petitioners and pass appropriate orders in accordance with law, after hearing the petitioners, within a period of four (04) weeks from the date of receipt of this order.

8. The respondents shall inform the petitioners of the survey date at least a week in advance. Needless to observe that the petitioners shall also cooperate with the Survey team and submit all documents as required by the respondents. The petitioners are also at liberty to file any objections to the notice, if any, issued pursuant to the survey report. The respondents shall pass appropriate orders in accordance with law only after receiving the survey report and after affording opportunity to the petitioner. Till such time, the respondents are directed not to take any coercive measures pursuant to the impugned notice dated 28-09-2026.

9. With the above observation, the Writ Petitions are disposed of. There shall be no order as to costs.

As a sequel, all pending miscellaneous applications shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Dated: 07-10-2026
MSI