APHC010558312026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI **[3311]**

(Special Original Jurisdiction)

Friday, the sixteenth day of October, two thousand and twenty six

Present

The Honourable Ms. Justice B. S. Bhanumathi

Writ Petition No.30525 of 2026

Between:

1. Tamalampudi Adireddy, S/o. late Nagireddy, Aged: 34 years.
2. Tamalampudi Potha Reddy, S/o. late Adireddy, Age: 53 years
3. Tamalampudi Padmavathi, W/o. late Srinivasa Reddy, Age: 49 years
4. Tamalampudi Adiredy, S/o. late Srinivasa Reddy, Age: 31 years
5. Tamalampudi Venkata Durga Reddy, S/o. late Srinivasa Reddy, Age: 28 years
6. Tamalampudi Vijaya Venkata Nagendra Reddy, S/o. late China Ramareddy @ Ramareddy @ Sivarama Reddy, Age: 15 years, minor, rep. by his paternal uncle, Tamalampudi Potha Reddy.

[All are R/o. Door No. 7-126 (Old. D. No. 7 -405), Anaparthi village & Mandal, East Godavari district.]

…Petitioners

and

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Department of Panchayat Raj & Rural Development, Secretariat buildings, Velagapudi, Amaravati.
2. The Tahsildar, Anaparthi mandal, East Godavari district.

3. The Gram Panchayat, Anaparthi, rep. by its Panchayat Secretary, Gram Panchayat office, Anaparthi village & mandal, East Godavari district.

4. The Mandal Parishad Development Officer, (M.P.D.O.), Anaparthi mandal, East Godavari district.

5. Tamalampudi Venkata Sai Kiran, S/o. Satyanarayana Reddy, R/o. Ramreddy Nagar, Mandal Office Road, Anaparthi village & mandal, East Godavari district.

…Respondents

Counsel for the petitioners:

1.Sasisdhar Vemuri for Sri S. N. Chidambara Sastry

Counsel for the respondents:

1. G.P. for Panchayat Raj & Rural Development.

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

> "For the reasons stated in the accompanying affidavit, it is prayed that this Court may be pleased to issue a Writ, Order, or direction more particularly one in the nature of Writ of Mandamus to declare:
>
> a. That the impugned Notice bearing R. C. No. 40 / 2026, dated 21.09.2026, issued by the respondent No.3 (Panchayat Secretary, Gram Panchayat, Anaparthi) as arbitrary, illegal, without jurisdiction, void *ab initio, ultra vires* the Andhra Pradesh Panchayat Raj Act, 1994, the Andhra Pradesh Survey and Boundaries Act, 1923 and violative of Articles 14, 21 and 300-A of the Constitution of India, and consequently set aside the impugned notice;
>
> b. That the respondent No.3 has no jurisdiction to entertain private boundary complaints, conduct surveys, or interfere with the peaceful possession and enjoyment of petitioner's residential house and site admeasuring 221 Sq. Yards bearing Door No.7-126 situated in Survey Nos.337/1, 337/2 and 337/3 of Anaparthi Village & Mandal, East Godavari district, and consequently direct the respondent No.3 not to conduct any survey, enter upon, or interfere with the petitioners property in any manner whatsoever, and pass such other orders as may

be deemed fit and proper in the circumstances of the case."

2. The case of the petitioners, briefly stated, is as follows:

a. Late Tamalampudi Adireddy, grandfather of the petitioner, was the absolute owner and possessor of the residential site admeasuring 221 square yards along with a residential tiled house bearing Door No.7-126 in Sy. Nos. 337/1, 337/2 and 337/3, 7th block of Anaparthi village and mandal, East Godavari district. The grandfather of the petitioner acquired the said property prior to 1984 and continued to be in peaceful possession and enjoyment of the same during his lifetime. He executed a registered settlement deed bearing document No.567 of 2006 on 20.03.2006 settling life interest in favour of his wife, Smt. Bullemma, and then, absolute interest to his sons, i.e., father of the petitioner No.1, late Tamalampudi Nagi Reddy, petitioner No.2, Tamalampudi Potha Reddy, late Tamalampudi Srinivasa Reddy (represented by his wife, Smt. Padmavathi, petitioner No.3 and his two sons, petitioners Nos.4 & 5 herein and late Tamalampudi Sivarama Reddy, represented by his minor son, petitioner No.6.

b. The grandfather of the petitioner, Tamalampudi Adireddy, passed away on 28.07.2014. The grandmother, Tamalampudi Bullemma, passed away on 17.03.2019. The father of the petitioner No.1, Tamalampudi Nagireddy, died on 05.10.2017. The uncle of the petitioner, Tamalampudi Srinivasa Reddy died on 12.07.2002 and another uncle, Tamalampudi Sivarama Reddy died on 31.03.2011. Thus, the petitioners became absolute co-owners and possessors of the subject property. Recognizing the ownership and physical possession

of the subject property for decades, the house property was assessed to tax. Thus, tax is being paid up-to-date.

c. However, the respondent No.3 issued a notice, dated 21.09.2026, which was received on 06.10.2026, by the petitioners. It was asserted in the notice that the respondent No.5 made a complaint to survey the road and zeroiti land in Sy. Nos. 337/1, 337/2 and 337/3 near Errakaluva bridge to determine the boundaries. Basing on the alleged private complaint, the respondent No.3 issued a notice directing the submission of documents failing which the subject land would be deemed to belong to Zilla Parishad Board. The said notice was issued with mala fides and is highly arbitrary and without jurisdiction.

3. The learned counsel for the petitioners submitted that there is no reference to the provision of law under which the notice was issued and moreover, the petition is devoid of details of the boundaries of the property. It is his fierce contention that the Panchayat Secretary has no jurisdiction to issue notice for survey of the land and further to determine the title of the property in dispute, particularly, the patta land. Under these circumstances, he requested to allow the writ petition setting aside the impugned notice.

4. The learned Standing Counsel for Gram Panchayat representing respondents Nos.3 & 4, basing on oral instructions, submitted that the notice was duly issued only for the purpose of survey and the petitioner may submit the documents, but if this Court finds the notice defective and sets it aside, an opportunity may be given to these respondents to take appropriate legal course.

5. For better understanding, the contents of the translated version of the impugned notice are mentioned herein below since the notice is in vernacular language:

> "Sri Tamalampudi Venkata Sai Kiran, S/o. Satyanarayana Reddy, has submitted a complaint requesting that the road and zeroiti (freehold / patta) land in Sy. Nos. 337/1, 337/2, and 337/3 near the Errakaluva bridge, within the area of Anaparthi Grama Panchayat, Anaparthi mandal, be surveyed and boundaries demarcated.
>
> Pursuant to the said complaint, the lands of the adjacent boundary holders are to be surveyed. Further, it has come to notice that there is land belonging to the Zilla Parishad Board in the said Survey No. 37. Therefore, you are hereby informed to submit available records and copies of documents at your disposal regarding the subject land to the Gram Panchayat within 15 days of receiving this notice. If not submitted, it will be construed that the said land belongs to the Zilla Parishad Board, and a report will be submitted to the higher authorities for taking further action."

6. A perusal of the above notice indicates that it has no reference to the provision of law under which the said notice was issued.

7. As rightly contended by the learned counsel for the petitioners, the notice is defective for the reasons already mentioned in his arguments noted above. As such, if the respondents Nos. 3 & 4 would

like to take action on the alleged complaint, it is at liberty to take fresh steps in accordance with law.

8. Accordingly, the Writ Petition is allowed and the impugned notice bearing R.C. No. 40/2026, dated 21.09.2026, issued by the respondent No.3 / Panchayat Secretary, Gram Panchayat, Anaparthi, is set aside, giving the respondents Nos. 3 & 4 the aforesaid liberty.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

B.S. BHANUMATHI, J

Dt. 16.10.2026

Note:- Issue CC by 17.10.2026.
(B/o)
RAR