
(2025) 10 AP CK 1098

In the Andhra Pradesh High Court, Amaravati

Case No : Writ Petition No: 27147 Of 2025

Shaik Darbar & Ors.

APPELLANT

Vs

State Of Andhra Pradesh & Ors.

RESPONDENT

Date of Decision : 03-10-2025

Acts Referred:

Constitution Of India, 1950 — Article 14, 21, 226, 300A

Citation : (2025) 10 AP CK 1098

Hon'ble Judges : Challa Gunaranjan, J

Bench : Single Bench

Advocate : Anil Kumar Dasari

Final Decision : Disposed Of

Judgement

Challa Gunaranjan, J

1. This Writ Petition is filed under Article 226 of the Constitution of India for the following relief/s:-

"...to issue writ, order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the Respondents, more particularly the Respondent Nos.1 and 2 and 5 to 9 and its authorities from initiating steps to dispossess the Petitioners from their dwelling houses by demolishing the same in S.No.205/3, situated in Lankapeta,Bhimavaram, West Godavari District, even without prior written notice and enquiry, as illegal, unfair, unjustified and violative of Articles 14, 21 and 300 A of the Constitution of India and the laid principles of natural justice and fair play, thereby direct the Respondents not to initiate coercive steps of forceful demolition of the dwelling houses and forceful dispossession of the Petitioners from their respective properties in S.No.205/3,Lankapeta,Bhimavaram in the interest of justice and to passsuch other order or orders...."

2. The present Writ Petition is filed questioning the action of respondents in initiating steps for demolition of the dwelling houses and dispossessing the

petitioners from the respective house properties situated in Sy.No.205/3 of Lankapeta, Bhimavaram Mandal, West Godavari District, as illegal, arbitrary and violation of Principles of Natural Justice.

3. Heard Sri Anil Kumar Dasari, learned counsel for the petitioners and Smt. V.Sireesha Rani, learned Standing counsel for Municipalities appearing for respondent No.6.

4. The petitioners claim to be the occupants of various extents of land in Sy.No.205/3 of Lankapeta, Bhimavaram Mandal, West Godavari District, for more than six decades, either through their ancestors or by themselves being in occupation of the said land. They have also constructed residential houses over the same and the said properties also assessed for property tax and even provided with electricity. However, now the respondent No.6-Municipality has resorted to taking steps for demolition of house structures and also dispossessing them without any prior notice. Some of the petitioners have traced their right to the property through an Assignment order stated to have been issued by Mandal Revenue Officer.

5. Learned counsel for the petitioners submits that the petitioners have been residing in the houses in aforesaid survey number for a considerable period of time and that some of them have been issued pattas by Mandal Revenue Officer. Therefore, even without issuing any prior notice, they cannot be dispossessed by demolition of the existing structures, which is clearly in violation of Principles of Natural Justice.

6. On the other hand, Smt. V.Sireesha Rani, learned Standing counsel appearing for the respondent No.6-Municipality, submits that the petitioners are all encroachers and the subject land belongs to Irrigation Department, which has been classified as Yanamaduru Murugu Kalava. None of the assignments which have been placed along with the Writ Petition pertain to any of the petitioners. Therefore, they cannot assert any right or title to the said property.

7. The fact remains that the petitioners are presently in occupation of various extents and have also constructed houses and are living there. Even if it is to be treated that petitioners are encroachers, still they are entitled to be issued prior show cause notice before any steps are initiated to either dispossess or demolition of the structures. That apart, since some of the petitioners claim to have been issued assignment pattas, even the said aspect is also required to be examined whether such pattas are validly issued and whether any rights accrue in favour of the petitioners. Unless aforesaid exercise is conducted by issuing prior notice to the petitioners, they cannot be straight away dispossessed from the subject property.

8. In view of the aforesaid submissions made by the respective counsels and considering the facts and circumstances of the case, it would suffice to dispose of the Writ Petition at the admission stage by directing the respondents to issue show cause notice to the petitioners and call for explanation before they propose

any coercive action against petitioners. Upon issuance of such show cause notice, the petitioners are permitted to submit explanation raising all objections and thereafter, the respondents are to pass appropriate speaking orders in accordance with law. Till such time the respondents are directed not to dispossess the petitioners from the subject property.

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.