APHC010317832026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3311]**
(Special Original Jurisdiction)

Tuesday, the Twenty Third Day of June, Two Thousand and Twenty Six

Present

The Honourable Ms.Justice B.S.Bhanumathi

Writ Petition No.16639 of 2026

Between:

1. K.Bala Subrahmanyam, S/o K.Munaswamy Naidu, aged about 49 years, R/o.Dasanampalli village, Rayalpeta, Peddapanjani Mandal, Chittoor District, Present R/o.17-60, Javali Street, New Pet, Palamaner, Chittoor District – 517 408.

...Petitioner

and

1. The State of Andhra Pradesh, represented by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Guntur District – 522 237.
2. The District Collector, Chittoor District, Chittoor – 517 001.
3. The Revenue Divisional Officer, Palamaner, Chittoor District – 517 408.
4. The Tahsildar, Peddapanjani Mandal, Chittoor District – 517 408.
5. The Mandal Revenue Inspector, Peddapanjani Mandal, Chitoor District – 517408.

...Respondents

Counsel for the petitioner:

1. P.Saraswathi

Counsel for the respondents:

1. Government Pleader for Revenue

The Court made the following Order:

This writ petition is filed under Article 226 of the Constitution of India to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the respondent No.4 in issuing impugned eviction notice to them with prior date 18.06.2026, received on 22.06.2026 without considering the land standing possession in respect of the petitioner's land admeasuring an extent of Ac.0.34 cents in Sy.131/10, Ac.1.31 cents in Sy.No.131/11 and Ac.0.15 cents inSy.Nos.131/12 of Dasanampalli village, Peddapanjani Mandal, Chittoor District and assignments lands made free hold in the year 2023, as illegal, arbitrary and unjust and consequently set aside the impugned eviction notice to the petitioner with prior date 18.06.2026, received on 22.06.2026 and direct the respondents not to interfere in respect of the petitioner land admeasuring an extent of Ac.0.34 cents in Sy.131/10, Ac.1.31 cents in Sy.No. 131/11 and Ac.0.15 cents in Sy.Nos.131/12 of Dasanampalli village Peddapanjani mandal, Chittoor District, in the interest of justice, and to pass such other order, which this Court deems fit in the interest of justice.

02. The case of the petitioner as stated briefly as follows:

The subject land was originally assigned by the Government to the father of the petitioner. The respondent No.4 issued a possession certificate in favour of the assignee. They were recorded in the village settlement records, SLR and adangals. Pattadar Pass Book and Form-1B were issued in favour of the assignee vide khata No.570 dated 08.12.1997, Gomkonda village, Peddapanjani mandal, Chittoor District. It was mutated in the name of the petitioner vide khata No.570 dated 08.12.1997. Initially the father of the petitioner paid cist / tax to the revenue authorities since 1976. Later, the

petitioner has been paying cist till today. Many representations were given to the respondents for issuance of D-Form patta in favour of the petitioner. The respondent No.4, without conducting any survey and without issuing any notice to the petitioner, sub-divided the land into S.No.131/10, 131/11 and 131/12. Thus, the lands were converted as free hold in the year 2023 by the respondent No.4 as per the Government Orders. In that land, mango trees were raised to some extent and the remaining was cultivated since the time of the father of the petitioner. While so, the respondent No.4 issued a proceeding in Roc.No.A/05/2026 dated 19.04.2026 (notice) to the petitioner calling for objections for construction of houses in the land of the petitioner. An explanation was submitted by the petitioner along with tax receipts, pattadar pass book, adangal, Form 1-B, etc.,. But, the respondent No.4 again gave another notice with antedate 05.06.2026, serving it on 12.06.2026, under section 7 of the Andhra Pradesh Land Encroachment Act, 1905 alleging that the petitioner is an un-authorized occupant of the government land. Very initiation of the proceeding under the said Act is without jurisdiction. The petitioner submitted an explanation. However, the respondents issued an eviction notice to the petitioner on 22.06.2026 with antedate on 18.06.2026 under section 6 of the Act, 1905. The same is challenged in this writ petition being illegal. Under the garb of the impugned proceedings, the respondents are trying to high handedly evict the petitioner.

03. The learned counsel for the petitioner vehemently contended that all the proceedings initiated are illegal for the above said reasons and that no enough time under the impugned proceeding was given. In this regard she mentioned that only seven (07) days time was given to vacate the land, but since it was antedated, the petitioner has no time to challenge the proceeding.

04. The learned Assistant Government Pleader for Revenue submitted that the petitioner has remedy to challenge the impugned proceedings in

appeal before the District Collector as per the Section 10 of the Act, 1905 and the period of limitation is 60 days as mentioned in Section 11 of the Act, 1905. Therefore, he submitted that the writ petition is not maintainable as the petitioner has alternative efficacious remedy of appeal.

05. In reply, the learned counsel for the petitioner submitted that due to the above said reasons, the petitioner has no opportunity to avail the remedy of appeal and further that it was not indicated in the impugned notice. She further submitted that free hold land is not government land.

06. In view of these submissions on both sides and that the petitioner has the remedy of preferring appeal against the impugned order before the District Collector, and the petitioner still has long time to prefer an appeal, but as the impugned notice mentioned time seven (07) days from the date of receipt of the impugned proceedings, the very purpose of preferring appeal would be lost if the proceeding is executed without providing sufficient time to challenge the impugned order as provided under law, within the time prescribed by law.

07. As such, the writ petition is disposed of giving liberty to the petitioner to challenge the impugned proceeding before an appropriate authority as per the law. Meanwhile, the impugned proceeding is suspended from operation during the period of limitation provided under section 11 of the Andhra Pradesh Land encroachment Act, 1905.

There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE B.S. BHANUMATHI

Date: 23.06.2026
Note:
CC tomorrow

GRL

Whether the order is :

Speaking	Yes	Reasoned	
Reportable		Non-reportable	

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THE HONOURABLE MS JUSTICE B.S.BHANUMATHI

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Date: 23.06.2026
Note
CC tomorrow
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