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APHC010168512025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

THURSDAY, THE 8th DAY OF OCTOBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 8676/2025

Between:

1. CHINTHALAPATI VENKATA SATYANARAYANA RAJU, S/O RAMA RAJU, AGED ABOUT 72 YEARS, R/O DOOR NO.4-78/3, PEDDA VEEDHI, GANAPAVARAM, WEST GODAVARI DISTRICT.
2. CHINTHALAPATI SUBBA RAJU,, S/O RAMA RAJU, AGED ABOUT 87 YEARS, R/O DOOR NO.4-78/3, PEDDA VEEDHI, GANAPAVARAM, WEST GODAVARI DISTRICT.
3. CHINTALAPATI PADMAVATHI,, W/O LATE SURYA NARAYANA RAJU, AGED ABOUT 75 YEARS, R/O D.NO.4-78/3, PEDDA VEEDHI, GANAPAVARAM, WEST GODAVARI DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, PANCHAYATI RAJ DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, WEST GODAVARI DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, WEST GODAVARI DISTRICT.
4. THE TAHSILDAR, GANAPAVARAM MANDAL, GANAPAVARAM, WEST GODAVARI DISTRICT.
5. THE JAGANNADHAPURAM GRAM PANCHAYAT, REP., BY ITS SECRETARY, JAGANNADHAPURAM, GANAPAVARAM MANDAL. WEST GODAVARI DISTRICT.
6. RAJ VEGESNA FOUNDATION, DOOR NO. 10-27-2-4, KAILASMETTA, SEKHAR LAYOUT, WALTAIR UP LANDS, VISAKHAPATNAM.

...RESPONDENT(S):

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 topleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities in allowing the 6th respondent to demolish the joint road situated in R.S. No. 187/2 of Jagannadhapuram village, Ganapavaram mandal, West Godavari District, which is only the ingress and egress for the petitioners' and others' property situated in Sy. No. 179, 180 and 181 of Jagannadhapuram village as arbitrary, illegal, null and void and against the Norms of Public Policy and Principles of Natural Justice and to issue a consequential direction directing the Respondent Authorities to protect the road being used by the petitioners and other villagers and to pass

IA NO: 1 OF 2025

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 pleased to direct the respondent authorities to restrain the 6th respondent in demolishing the joint road situated in R.S. No. 187/2 of Jagannadhapuram village, Ganapavaram mandal, West Godavari District forthwith, pending disposal of the above writ petition and to pass

IA NO: 2 OF 2025

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 may be pleased to direct the respondent authorities to allow the petitioners to construct a fresh pathway in Sy.No. 187/2 of Jagannadhapuram Village, Ganapavaram Mandal, West Godavari District forthwith in order to reach their fields pending the disposal of the above writ petition and to pass

IA NO: 3 OF 2025

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 may be pleased to vacate the interim order dated 02.04.2025 in WP.No.8676 of 2025 and to dismiss the writ petition as there are no sustainable grounds in filing this writ petition before the Hon’ble Court and pass

IA NO: 4 OF 2025

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 prayed that this Hon’ble Court to vacate interim orders dt. 02.04.2025in W.P.No. 8676 of 2025 and to dismiss the Writ Petition as there are no sustainable grounds in filing this Writ Petition before the Hon’ble Court and pass such

IA NO: 5 OF 2025

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 may be pleased to receive counter affidavit on record by allowing the Leave petition in the above writ petition 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 May be pleased to grant leave to the petitioners herein to file the reply affidavit to the counter affidavits filed by the Respondent No.4, 5 and 6 and to pass

Counsel for the Petitioner(S):

1. VENKATESWARA RAO GUDAPATI

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV
2. HARISH KUMAR RASINENI
3. Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja Parishads,Mandal Praja Parishads and Gra

The Court made the following:

THE HON'BLE SRI JUSTICE K. SREENIVASA REDDY

WRIT PETITION No.8676 of 2025

ORDER :

This Writ Petition is filed seeking to declare the action of respondent-authorities in allowing 6th respondent to demolish joint road situated in R.S.No.187/2 of Jagannadhapuram village, Ganapavaram mandal, West Godavari district, which is the only ingress and egress for the properties of petitioners and others situated in survey Nos. 179, 180 and 181 of the said village, as illegal and arbitrary, and consequently direct the respondent-authorities to protect the road being used by the petitioners and other villagers.

2. Case of the petitioners, in brief, is as follows.

(a) Petitioners are owners of land admeasuring Ac.6.00 cents situated in R.S.Nos.179, 180 and 181 of Jagannadhapuram village, Ganapavaram mandal, West Godavari district; that it is their ancestral property and they acquired the same under a registered partition deed bearing document No.409 of 1978, and since then, they have been in possession and enjoyment of the said property; that in survey No.187/2, there is a path way with about 25 feet width and 120

feet length, and since times immemorial, it is being used as ingress and egress to the subject lands and by the other agriculturists in order to enter their lands, and except the said road, there is no other way to reach the property of the petitioners.

(b) There is a tank in the said survey number, which is called Gandhi Cheruvu; that respondent No.6 purchased an extent of Ac.2.35 cents in survey No.187/5, which is adjacent to the road, and made a proposal to 5th respondent for conversion of the said land into a new tank for the purpose of villagers, and the said proposal was accepted by 5th respondent; that respondent No.6 is trying to remove the road in high-handed manner and merge both the Gandhi cheruru and the proposed new water tank without any authority whatsoever, and on 27.3.2025 and 31.3.2025, respondent No.6, in high-handed manner, put excavator and tried to remove the road to combine both the Gandhi Cheruvu and the proposed new tank; that under the guise of approval of respondent No.5, the same has been done, but no approval was given for removing the road; that petitioners also submitted representations to the respondent-authorities with regard to the said high-handed

action of 6th respondent, and that without calling grama sabha or without taking any objections from villagers, respondent No.5 allowing the respondent No.6 to remove the existing road and join both the tanks is illegal and arbitrary, and hence, the Writ Petition.

3. Respondent No.4 filed counter affidavit, denying the material averments in the writ affidavit and stating *inter alia* as follows.

(a) 6th respondent, which is a non-profitable voluntary organization, came forward with a proposal to establish a new water tank in an extent of 8497.346 square yards (Ac.1.77 cents) in R.S.No.187-5 of Jagannadhapuram village for providing water to the benefit of the villagers, purchased the private land and gifted the land vide Gift Deed No.1604 of 2025, dated 01.04.2025, in favour of 5th respondent-grampanchayat, and the same is adjoining the existing tank 'Gandhi cheruvu'; that Gandhi Cheruvu situated in survey No.187-2 is actually located in Government Poramboke 'Venkayya Vayyeru Kaluva'; that the joint pathway is not existing in Government Poramboke in R.S.No.187-2, but it exists in the gifted land by respondent No.6, which is purely a private land, used as bund of Gandhi

Cheruvu; that removal of the bund between Gandhi Cheruvu and the land purchased and donated by respondent No.6, would result in a contiguous parcel thereby serving its intended purposes of enhancing the village's drinking water supply; that the land of the petitioners has adequate road accessibility through survey No.181 (gramakantam) with approach roads available from east, west and north; that the averment regarding demolition of joint bund situated in R.S.No.187-2 between the two tanks is not correct, and the bund in question remains in tact and undisturbed; that the grampanchayat filled Gandhi Cheruvu with water drawn from a nearby canal to address anticipated drinking water requirements for the upcoming summer season, and as a result, the existing bund/Gandhi Cheruvu and the proposed tank became submerged, thereby forming a contiguous water body linking Gandhi Cheruvu and the proposed tank, and both the land parcels are filled with full of water; that the lands owned by the petitioners were converted into non-agricultural purposes long back; that respondent No.6 never tried to remove the road and to merge both Gandhi Cheruvu and the proposed new water tank; that the grampanchayat passed resolution on 29.03.2025

to merge both the tanks as contiguous parcel, thereby serving its intended purpose of enhanced drinking water supply.

(b) It is further stated that the drinking water needs of Ganapavaram grampanchayat, which comprises of Ganapavaram, China Ramachandrapuram and Jaganna-dhapuram revenue villages, are presently being met solely by Gandhi Cheruvu situated in an extent of Ac.1.49 cents, and as the source is grossly inadequate to meet the growing demand, the grampanchayat is supplying water on alternate days and also supplementing the demand by drawing ground water and distributing it through water tankers; that the land situated in R.S.No.187-2 is classified as canal poramboke, specifically designated as a water body, and as per the existing norms, the land categorized as a water body cannot be diverted or utilized for any purposes other than its originally intended use, and therefore, the petitioners' claim regarding the use of this land as a pathway cannot be accepted; that the petitioners have sufficient access to their private lands located in R.S.Nos. 178, 180 and 181 through the existing networks situated on eastern, western and northern sides; that land in R.S.No.187-5 is a private zeroyiti land purchased by respondent No.6 and donated

by it to respondent No.5 for the aforesaid noble purpose, and the objective can be effectively achieved only by creating a contiguous and integrated water tank without any physical obstructions. Hence, it is prayed to dismiss the Writ Petition.

4. Respondent No.5 filed separate counter affidavit, denying the material averments in the writ affidavit and stating *inter alia* on the same lines as stated by respondent No.4, and sought dismissal of the Writ Petition.

5. Petitioners filed their reply to the counter affidavits filed by the respondents 4 and 5 stating *inter alia* that the respondent-authorities have a bounden duty to maintain and protect the said pathway and bund, under Section 45 of the A.P. Panchayat Raj Act, but in the instant case, 5th respondent, having forgotten its statutory duty, facilitated 6th respondent in submerging the channel bund, and that the bund, being a poramboke, which belongs to Revenue Department, it is the bounden duty to prevent the unauthorized alteration. It is further stated that submergence of the pathway and the bund is merely a temporary physical state and does not alter its legal status, and the official classification of the land as a 'bund channel' does not disappear or stand extinguished simply

because water currently overflows or sits over it, and it is the statutory duty of respondents 4 and 5 to protect the channel bund which is being utilized by the petitioners since times immemorial; that 6th respondent, without any care or caution, in a reckless and negligent manner, pumped excess water into the new tank, and 5th respondent, having a statutory duty conferred on it, failed to give instructions to fill water up to a permissible level, and that no technical assessment was done before filling the water, to check the height of the bund or safety margin. It is further stated that if the grampanchayat wants to merge both the tanks as per the Board Standing Orders, permission has to be accorded by 2nd respondent-authority under the A.P. Board Standing Orders to change the classification of the channel bund, but without doing so, the respondent-authorities have no right to pass a resolution for merging the two tanks as the pathway and bund is a government poramboke land vested in government and the government has to issue Notification under Section 53 of the A.P. Panchayat Raj Act. Hence, it is prayed to allow the Writ Petition, as prayed for.

6. This Court, vide its Order dated 02.04.2025, observed that the facts would indicate that the writ petitioners have been using the said passage for accessing their fields and that no Gram Sabha Resolution has been passed to this effect, and that existence of the passage and its access to the fields is visible in photographs, and accordingly, directed all the parties to maintain *status quo* obtaining as on that day, and observed that if the official respondents would decide to lay pipeline to allow the water to pass, between both the tanks, they may do so without disturbing the existing track.

7. Learned counsel for the petitioners submitted that the petitioners are using the joint road situated in survey Nos. 187/2 for ingress and egress to their lands and for agricultural purposes. He submits that 6th respondent purchased the property admeasuring Ac.2.35 cents in survey No.187/5 and made proposal to 5th respondent for conversion of the said land into a new water tank for the purpose of villagers, and 5th respondent accepted the said proposal and allowed 6th respondent to excavate its land for the purpose of new water tank; that 6th respondent, in high-handed manner, is trying to remove the joint road, and that the respondents are

maintaining silence, without discharging their statutory duty; that the acts of respondents 5 and 6 are without calling for grama sabha or without taking any objections from villagers. According to him, if the said road is removed, the properties of the petitioners and other villagers become standalone and they have to face many hurdles in order to reach the property of the petitioners. He further submits that except the said road, there is no other way to reach the property of the petitioners, and that the petitioners will be deprived of their easementary rights and suffer irreparable loss and injury, if the proposed action is allowed to continue. He submits that in connection with the same, certain representations were made to the respondent-authorities with regard to the high-handed action of 6th respondent. He submits that if the grampanchayat wants to merge both the tanks as per the Board Standing Orders, permission has to be accorded by 2nd respondent-authority under the A.P. Board Standing Orders to change the classification of the channel bund, but without doing so, the respondent-authorities have no right to pass a resolution for merging the two tanks. Hence, he prayed to allow the Writ Petition.

8. On the other hand, the learned Government Pleader for Revenue appearing for respondents 2 to 4 and the learned Standing Counsel for 5th respondent-gram-panchayat reiterated the averments stated in their respective counter affidavit, and sought for dismissal of the Writ Petition.

9. Now, the point for consideration is whether the petitioners are entitled for ingress and egress to their lands without there being any other way to approach, for the aforementioned lands ?

10. The case of the petitioners, in brief, is that they are the owners of Ac.6.00 cents of land in R.S.Nos.179, 180 and 181 of Jagannadhapuram Village and have been in possession and enjoyment of the said lands. According to them, a pathway measuring approximately 25 feet in width and 120 feet in length exists in R.S.No.187/2, which has been used from time immemorial by the petitioners and other agriculturists for ingress to and egress from their respective lands. They contend that, except for the said pathway, there is no other access to their lands. It is their further case that a tank known as 'Gandhi Cheruvu' is situated in the said survey number. Their specific grievance is that respondent No.6, after purchasing

land in R.S.No.187/5 and proposing to establish a new water tank therein, attempted to remove the existing pathway and merge Gandhi Cheruvu with the proposed tank. The petitioners contend that such action is without authority of law and that the removal of the pathway would render their lands and those of other villagers inaccessible, thereby depriving them of their easementary right of access and causing irreparable loss.

11. It is further contended by the petitioners that the respondents are under an obligation to protect the pathway/bund and that the Gram Panchayat could not have proceeded with the proposed merger of the two tanks without following the procedure prescribed under the relevant provisions of the Andhra Pradesh Panchayat Raj Act and the applicable Board Standing Orders. According to the petitioners, no proper proceedings were conducted by the Gram Sabha and no objections were invited from the affected persons before the alleged decision was taken.

12. A perusal of the counter-affidavit filed by respondent No.5 discloses that the land situated in R.S.No.187/2 is classified as canal poramboke and is specifically designated as

a water body. It is contended that, under the applicable norms, land classified as a water body cannot be diverted or utilised for any purpose other than that for which it is originally intended. In view of the said classification, the respondents dispute the petitioners' claim that the subject land constitutes a pathway. It is their specific case that the petitioners have alternative access to their private lands situated in R.S.Nos.178, 180 and 181 through the existing road network on the eastern, western and northern sides. It is further contended that the land in R.S.No.187/5 is private patta land purchased by respondent No.6 and subsequently donated to respondent No.5 for the aforesaid public purpose.

13. It is pertinent to note that respondent No.6 is stated to be a non-profit voluntary organisation which came forward with a proposal to establish a new water tank in an extent of 8,497.346 square yards (Ac.1.77 cents), situated in R.S.No.187/5 of Jagannadhapuram Village, for the benefit of the villagers and to meet their growing water requirements. Accordingly, respondent No.6 executed a registered Gift Deed bearing Document No.1604 of 2025, dated 01.04.2025, in favour of respondent No.5-Gram Panchayat. In their counter-

affidavit, respondents 4 and 5 have categorically stated that Gandhi Cheruvu is situated in R.S.No.187/2, classified as canal poramboke, whereas the land purchased by respondent No.6 falls within R.S.No.187/5. Though the two parcels of land are adjacent to each other, the respondents contend that both are presently filled with water. Respondent No.6 is stated to have donated the land to respondent No.5 with the objective of providing drinking water facilities to the villagers. Having regard to the growing demand for drinking water and the scarcity prevailing in the village, respondent No.5-Gram Panchayat passed a resolution dated 29.03.2025 proposing to integrate the two tanks into a contiguous water body, with a view to augmenting the available water storage and improving the drinking water supply to the villagers.

14. The principal grievance of the petitioners relates to their alleged right of ingress to and egress from their lands. The respondents, however, have categorically asserted that the petitioners have sufficient access to their lands situated in R.S.Nos.178, 180 and 181 through the existing road network on the eastern, western and northern sides. Respondents 4 and 5 have also disputed the very existence and location of the

pathway in the manner pleaded by the petitioners. According to them, no such pathway exists in the Government poramboke land in R.S.No.187/2 in the manner alleged, and the pathway/bund referred to by the petitioners is situated in the private land subsequently gifted to the Gram Panchayat. They further contend that the petitioners can access their lands through the existing road network on the eastern, western and northern sides.

15. This Court specifically sought clarification regarding the distance the petitioners would have to travel to reach their agricultural lands from the existing road network on the eastern, western and northern sides. To ascertain the said position, the matter was adjourned. On instructions, the learned Government Pleader appearing for the respondents submitted that the distance between the petitioners' houses and their lands would be approximately half a kilometre if they accessed their lands in R.S.Nos.178, 180 and 181 through the existing road network on the eastern, western and northern sides. In view of the said submission, it appears that alternative access to the petitioners' lands is available and that the distance involved is not substantial. In these circumstances,

this Court is of the view that the petitioners cannot insist upon the use of the alleged pathway in R.S.No.187/2 solely on the ground that they have been using it, particularly when the respondents dispute its existence in the manner alleged and the availability of alternative access has been asserted.

16. Learned counsel for the petitioners placed reliance on the order dated 24.07.2021 passed in W.P.No.11169 of 2021, wherein this Court held as follows:

> "Therefore, the land in dispute i.e. Donka poramboke or Road Poramboke is only meant for public use i.e. ryots within the vicinity of the Donka poramboke for ingress and egress to their lands that means Donka is being used by the individual villagers themselves and in case the land is granted in favour of others, the villagers would be put to serious hardship. Therefore, the proposed assignment of Donka poramboke is contrary to the Board Standing Order 15 (4) (m). On this ground, the proposed assignment is illegal. Hence, I am of the view that the proposed assignment of Donka poramboke to Respondent No.5 or any third parties, will deprive the villagers at large and thereby, it drastically affects the rights of the petitioner and other villagers."

There can be no quarrel with the principle that Donka poramboke land intended for public use cannot be assigned in a

manner that deprives the villagers of their access to their lands. However, the facts of the present case are distinguishable from those of the case relied upon. In the present case, the respondents contend that alternative access to the petitioners' lands is available through the existing road network. Further, the present case does not concern the assignment of Donka poramboke land to a private individual or a third party. Rather, respondent No.6 is stated to have purchased the land in R.S.No.187/5 and gifted it to respondent No.5-Gram Panchayat for the stated public purpose of establishing a water storage facility. Therefore, the decision relied upon by the petitioners does not, by itself, advance their case.

17. Another significant aspect of the matter is that, according to the respondents, R.S.No.187/2 is classified as canal poramboke/water body and is being utilised to meet the drinking water requirements of the villagers. The respondents have explained that the existing capacity of Gandhi Cheruvu is insufficient to meet the growing demand for drinking water in the area, compelling the Gram Panchayat to supply water on alternate days and supplement the available supply through other sources, including water tankers. The proposed

integration of the two water bodies is, therefore, stated to be intended to augment the available water storage capacity and ensure an improved drinking water supply for the benefit of the villagers.

18. The petitioners, however, dispute the aforesaid stand and contend that the pathway/bund forms part of Government poramboke land and that its legal character cannot be altered merely because the land has been submerged under water. They further contend that the respondents cannot alter the classification of the land or interfere with the alleged pathway without obtaining the requisite permission from the competent authority and complying with the statutory obligations imposed upon the Gram Panchayat.

19. It is, however, the respondents' specific case that R.S.No.187/2 is classified as canal poramboke and is intended for use as a water body. The petitioners cannot, merely on the basis of their alleged prior use, claim that the said land must continue to be available as a pathway, particularly when its existence and location are disputed and the respondents assert that alternative access is available. The petitioners' principal

contention is that the alleged pathway is the only means of access to their lands. In view of the respondents' assertion that the petitioners have alternative access to their lands in R.S.Nos.178, 180 and 181 through the existing road network on the eastern, western and northern sides, the claim of exclusive necessity pleaded by the petitioners cannot be accepted as established in these proceedings.

20. Furthermore, the petitioners' assertion that they have been using the alleged pathway from time immemorial and have thereby acquired an easementary right over it raises questions that require factual determination. The respondents have specifically disputed the existence of the pathway in the manner pleaded by the petitioners and have asserted that alternative access to their lands is available. The existence of an easementary right, particularly when its location, continuous user, nature and necessity are disputed, requires adjudication on the basis of appropriate oral and documentary evidence.

21. Such competing claims cannot ordinarily be conclusively determined merely on the basis of affidavits in proceedings under Article 226 of the Constitution of India. The

jurisdiction under Article 226 is primarily intended to examine the legality of governmental or statutory action and is not ordinarily suited to the adjudication of disputed questions relating to title, possession, easementary rights or the physical features of land, particularly where their determination requires an evaluation of oral and documentary evidence. In the circumstances of the present case, the disputed claim of an easementary right cannot be conclusively adjudicated in these writ proceedings.

22. This Court also takes note of the fact that respondent No.6 is stated to have purchased the land in R.S.No.187/5 and thereafter gifted the same to the Gram Panchayat for the stated public purpose of establishing a water storage facility. The respondents have placed before this Court the need to augment the drinking water resources available to the villagers. It is further stated that the Gram Panchayat passed a resolution dated 29.03.2025 proposing to integrate the two tanks to create a contiguous water body and thereby enhance the available water storage capacity. The said proposal is thus stated to be motivated by the public interest in ensuring an adequate drinking water supply to the villagers.

23. The interim order dated 02.04.2025, however, cannot, by itself, be construed as a final adjudication of the petitioners' alleged easementary right or of the precise legal status and classification of the subject land. The observations made at the interlocutory stage were necessarily based on the material then placed before the Court and were intended to preserve the existing position pending consideration of the writ petition. The issues arising for final consideration must, therefore, be determined on the basis of the pleadings, the material placed on record and the applicable legal principles.

24. It is also relevant to note that the respondents have denied the allegation that respondent No.6 illegally demolished or removed the pathway. Their specific stand is that the bund remained intact and that its apparent submergence occurred as a consequence of the filling of the water body. The petitioners, on the other hand, attribute the alleged submergence to the negligent and excessive filling of water by the respondents. The rival contentions thus present a disputed question of fact concerning the existence, condition and alleged removal or submergence of the pathway/bund. Such a factual controversy

cannot satisfactorily be resolved in the present proceedings merely on the basis of the rival affidavits.

25. In the present case, the petitioners have not been able to establish, on the basis of the material placed before this Court, the precise legal character of the alleged pathway, the existence of an enforceable easementary right or the unlawful extinguishment of such a right by the respondents. On the contrary, the respondents have placed a substantially different factual position before this Court and have disputed the very basis of the petitioners' claim. In the absence of a clear and established infringement of a legal right warranting interference under Article 226 of the Constitution of India, the relief sought by the petitioners cannot be granted in these proceedings.

26. Learned counsel for the petitioners also placed reliance on the decision of the Hon'ble Supreme Court in *Jagpal Singh and Others v. State of Punjab and Others*, wherein, in paragraph 23, the Court held as follows:

> "Before parting with this case, we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorized occupants of the Gram Sabha/Gram Panchayat/poramboke/shamlat

> land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose, the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupants, after giving them a show-cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularising the illegal possession. Regularisation should only be permitted in exceptional cases, e.g., where lease has been granted under some government notification to landless labourers or members of the Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land."

A perusal of the aforesaid judgment shows that the Hon'ble Supreme Court directed all State Governments and Union Territories to formulate schemes for the eviction of illegal or unauthorised occupants of Gram Sabha, Gram Panchayat, poramboke and shamlat lands and for the restoration of such lands to the concerned Gram Sabha or Gram Panchayat for the common use of the villagers. The principle laid down therein underscores the need to protect public lands from unauthorised occupation and to preserve them for community use. However,

the facts of the present case are distinguishable. The petitioners' claim primarily concerns their alleged easementary right over the disputed pathway, the existence and location of which are contested, while the respondents assert that alternative access to the petitioners' lands in R.S.Nos.178, 180 and 181 is available through the existing road network. The decision relied upon, therefore, does not, by itself, establish the petitioners' entitlement to the relief sought in the present writ petition.

27. For the foregoing reasons, this Court is of the view that the petitioners have not established any infringement of an enforceable legal right warranting interference by this Court in the exercise of its jurisdiction under Article 226 of the Constitution of India. The disputed questions concerning the existence and location of the alleged pathway, the nature and extent of the claimed easementary right and the competing factual assertions of the parties cannot be conclusively determined in the present writ proceedings on the basis of the material available on record. Accordingly, this Court finds no sufficient ground to grant the relief sought by the petitioners.

28. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed.

(JUSTICE K. SREENIVASA REDDY)

DRK
08.10.2026

THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY

WRIT PETITION No.8676 of 2025

08.10.2026

DRK

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION No. 8676 OF 2025

Between:
Chinthalapati Venkata Satyanarayana Raju & others

...Petitioners

AND

State of A.P. & others **...Respondents**

DATE OF ORDER PRONOUNCED : 08.10.2026

SUBMITTED FOR APPROVAL :

HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

1. Whether Reporters of Local Newspapers
   may be allowed to see the Order? Yes/No

2. Whether the copy of Order may be
   marked to Law Reporters/Journals? Yes/No

3. Whether His Lordship wish to see the
   fair copy of the Order? Yes/No

JUSTICE K.SREENIVASA REDDY

*** HONOURABLE SRI JUSTICE K.SREENIVASA REDDY**

+ WRIT PETITION No. 8676 OF 2025

% 08.10.2026

Between:
Chinthalapati Venkata Satyanarayana Raju & others

...PETITIONERS

AND

State of AP & others **...Respondents**

! Counsel for the petitioner : Sri Venkateswara Rao Gudipati

^ Counsel for the respondents : GP for Panchayat Raj & Rural Dev
Sri Harish Kumar Rasineni
Sri Yerraguntla Koteswara Rao

< Gist:

> Head Note:

? Cases referred:

1) Order dated 24.07.2021 in Writ Petition No.11169 of 2021
2) (2011) 11 SCC 396