

[3327]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 4285 OF 2026

Between:

1. D. Chinna Veeresh, S/o. D Raghunath, aged about 35 years, R/o. Raja Veedi, Guduru Village and Mandal, Kunrool District, Andhra Pradesh.
2. D. Pedda Veeresh, S/o. D Raghunath, aged about 41 years, R/o. Raja Veedi, Guduru Village and Mandal, Kunrool District, Andhra Pradesh.

Petitioners

AND

1. The State of Andhra Pradesh, Rep., by. its Principal Secretary, Municipal Administration and Urban Development, A.P. Secretariat, Velagapudi, Amaravathi, Andhra Pradesh - 522237
2. The Gudur Nagara Panchayat, Rep by its Municipal Commissioner, Gudur, Kurnool District - 518466
3. D Narendra Nath, Son of Not known to the Petitioner, R/o. Raja Veedi Gudur Village and Mandal, Kunrool District, Andhra Pradesh - 518466

Respondents

WHEREAS the Petitioners above named through their Advocate SRI PATHI SIVA PRASAD, presented this 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 more particularly one in the nature of WRIT OF MANDAMUS declaring the high handed action of the respondents more particularly respondent No. 2 in

attempting to demolish the petitioners residential house situated in Sy. No. 806/A, Raja Veedi, Guduru Village and Mandal, Kurnool District, covering a total extent of 474 sq. yards without considering our detailed explanation/ legal notice dated 10.01.2026 submitted by us to the 2nd Respondent, vide notice dated 07.01.2026 issued under Section 192 of the AP Municipalities Act, 1965, has falsely alleged an illegal encroachment of a 30-foot road margin without following the guidelines issued by the Hon'ble Supreme Court in Writ Petition in Civil No. 295 of 2022 dated 13.11.2024 is highly illegal arbitrary and violation of Article 14, 21 and 300A of the Constitution of India and consequently to direct the respondent No. 2 not to demolish the subject steps in Sy. No. 806/A, Raja Veedi, Guduru Village and Mandal, Kurnool District, covering a total extent of 474 sq. yards without considering our detailed explanation/ legal notice dated 10.01.2026;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri PATHI SIVA PRASAD, Advocate for the Petitioners, learned GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT for the Respondent No.1, Sri G. LAKSHMI NARAYANA, Standing Counsel for the Respondent No.2 directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

D Narendra Nath, R/o. Raja Veedi Gudur Village and Mandal, Kunrool District, Andhra Pradesh - 518466

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, within four (4) weeks.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the respondent No. 2 not to demolish the subject steps in Sy. No. 806/A, Raja Veedi, Guduru Village and Mandal, Kurnool District, covering a total extent of 474 sq. yards without considering our detailed explanation/ legal notice dated 10.01.2026, pending disposal of WP No. 4285 of 2026, on the file of the High Court.

The Court made the following ORDER:

Notice before admission, returnable in three (3) weeks.

Learned Assistant Government Pleader for Municipal Administration and Urban Development takes notice for respondent No.1 and Sri Gudapati Lakshmi Narayana, learned Standing Counsel takes notice for respondent No.2 and they seek time to get instructions in the matter.

Issue notice to respondent No.3.

Learned counsel for the petitioners is permitted to take out personal notice to respondent No.3 by Speed Post/RPAD and file proof of service before the Registry within a period of three (3) weeks.

The present Writ Petition is filed questioning the action of the respondents, more particularly respondent No.2 in attempting to demolish the petitioners' residential house, situated in Survey No.806/A, Raja Veedi, Guduru village and Mandal, Kurnool district, covering a total extent of 474 sq. yards, without considering their detailed explanation/legal notice dated 10.01.2026.

Learned counsel for the petitioners submits that 2nd respondent issued a notice, under Section 192 of the AP Municipalities Act, 1965, directing the petitioners to remove the unauthorizedly constructed commercial complex by encroaching public road margin measuring 30 feet wide abutting Raja Veedi within the limits of Gudur Nagar Panchayat, at their own cost within seven (7) days from the date of receipt of the notice. He further submits that the action of the respondent authorities in issuing the above notice is in clear and flagrant violation of the directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.295 of 2022, dated 13.11.2024, wherein the Hon'ble Supreme Court has laid down mandatory procedural safeguards to be strictly followed prior to effecting any demolition. In fact, it is pertinent to mention here that a final order has to be passed before demolishing any structure after giving reasonable opportunity of hearing to the person concerned. But, in the case on hand, no such opportunity has been given to the petitioners and no final orders have been passed by the respondent authorities.

The matter requires examination.

In view of the aforesaid facts and circumstances, the respondent authorities are directed not to take any coercive steps to demolish the subject structure of the petitioners, for a period of eight (8) weeks.

List the matter after four (4) weeks.

//TRUE COPY//

Sd/-U.SRIDEVI
DEPUTY REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Municipal Administration and Urban Development, A.P. Secretariat, Velagapudi, Amaravathi, Andhra Pradesh – 522237 (BY SPECIAL MESSENGER)
2. The Municipal Commissioner, Gudur Nagara Panchayat, Gudur, Kurnool District – 518466
3. D Narendra Nath, R/o. Raja Veedi Gudur Village and Mandal, Kurnool District, Andhra Pradesh – 518466 (2&3 by RPAD- along with a copy of petition and affidavit)
4. One CC to SRI. PATHI SIVA PRASAD Advocate [OPUC]
5. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV AP ,High Court Of Andhra Pradesh. [OUT]
6. One CC to Sri G. LAKSHMI NARAYANA, STANDING COUNSEL [OPUC]
7. One spare copy

KJ

HIGH COURT

SRK,J

DATED:16/02/2026

LIST THE MATTER AFTER FOUR (4) WEEKS

NOTICE BEFORE ADMISSION

WP.No.4285 of 2026

DIRECTION

