



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

[3327]

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

**PRESENT
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY**

WRIT PETITION NO: 4302/2026

Between:

1. JAGARLAMUDI SUJATHA, W/O. RAVI SANKAR, AGED ABOUT 49 YEARS, R/O.3-28-41/A, 3RD LINE, 1ST CROSS ROAD, BRUNDAVAN GARDENS, PATTABHIPURAM, GUNTUR, ANDHRA PRADESH - 522006
2. GOGINENI JYOTHI KUMARI,, W/O.GOGINENI SIVARAM, R/O.3-28-18/22, BRINDAVAN GARDENS, GUNTUR, ANDHRA PRADESH -522006
3. KUNDA INDIRA RANI,, W/O. KRISHNA KISHORE, AGED ABOUT 61 YEARS, R/O.4-5-29/86, AMRUTHA RESIDENCY, F.NO. 202, 4/2, VIDYA NAGAR, GUNTUR, ANDHRA PRADESH-522007
4. THOTAKURA VENKATA RAMANA,, W/O. RAMARAO, AGED ABOUT 52 YEARS, R/O.24-20-46, 9/2 LINE, NEARVINAYAKA SWAMY TEMPLE, NALLACHERUVU, GUNTUR, ANDHRA PRADESH- 522003
5. PRATHIPATI LAVANYA,, D/O.VIJAY SANKAR, AGED ABOUT 31 YEARS, REP. BY HER G.P.A. PRATHIAPATI VIJAY SANKAR, AGED ABOUT 59 YEARS, R/O.5-90-27, 7/1 CHANDRAMOULI NAGAR, GUNTUR, ANDHRA PRADESH- 522007
6. PRATHIAPATI VIJAY SANKAR,, S/O. SAMBA MURTHY, AGED ABOUT 59 YEARS, R/O.5-90-27, 7/1 CHANDRAMOULI NAGAR, GUNTUR, ANDHRA PRADESH- 522007

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT.,

SECRETARIAT BUILDING, VELAGAPUDI, AMARAVATI,
GUNTUR DISTRICT

2. THE GUNTUR MUNICIPAL CORPORATION, REP. BY ITS
COMMISSIONER, 7CRW PLUS RGM, GRAND TRUNK
RD, OPPOSITE GANDHI PARK, LALAPET, GUNTUR,
ANDHRA PRADESH 522003

...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 to issue writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the action of the respondents in marking the premises of the petitioner and threatening to demolish the structure to the extent of marking existing in D.No.3-28-22, Main Road, Brindavan Gardens, Guntur without using any notice and without following the procedure contemplated under sections 146 and 147 of Andhra Pradesh Municipal Corporation Act 1955, the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 as illegal, arbitrary, unconstitutional and in violation of principles of law and natural justice. Article 14, 19(1)(g), 21, 300-A of the Indian Constitution and consequently direct the respondent authorities to not to take any sort of coercive steps against my property situated in D.No.3-28- 22, Main Road, Brindavan Gardens, Guntur without following the due process established under Andhra Pradesh Municipal Corporation Act 1955, the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and to pass

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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 to direct the respondents herein not to interfere or demolish the structures existing in D.No.3-28-22, Main Road, Brindavan Gardens, Guntur, pending disposal of the above writ petition and to pass

Counsel for the Petitioner(S):

1.R V KOTESWARA PRASAD

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following ORDER:

This Writ Petition has been filed seeking to declare the action of respondents in marking the premises of the petitioners and threatening to demolish the structure to the extent of marking, existing in D.No.3-28-22, main road, Brindavan Gardens, Guntur, without issuing any notice as per the procedure contemplated under Sections 146 & 147 of the Municipal Corporations Act 1955 as illegal and arbitrary, and consequently direct the respondent authorities not to take any sort of coercive steps against the subject property of the petitioners.

2. Today, when the matter came up for admission, it is submitted by the learned counsel for the petitioners, and acceded to, by Sri A.S.C.Bose, learned counsel for respondent No.2, that the subject matter of this Writ Petition is squarely covered by the order passed by this Court in Writ Petition No.4109 of 2026 and batch, dated 12.02.2026, wherein this Court held thus.

“3. The Written Instructions would indicate that the road expansion project has been initiated to accommodate growing traffic in the locality and that a total of 86 structures are affected by the road expansion. It is also stated that Notices under Section 146 of the Andhra Pradesh Municipal Corporations (APMC) Act, 1955 have been issued to the affected property owners. It is also stated that the Government has introduced Transferable Development Rights Scheme for the affected persons under Section 146-B and 146-C.

4. At this stage, learned Counsel for the Writ Petitioners would submit that the Writ Petitioners have not received any such Notices issued under Section 146. He would also submit that the Officers of the Corporation have been approaching the Writ Petitioners and have been threatening to demolish the affected portions despite the fact that the Writ Petitioners have not received any such Notices.

5. Having taken note of these facts, the Respondent Corporation (Respondent No.2) is directed not to initiate any coercive steps without following the due process of law”.

3. In the case on hand also, it is the specific case of petitioners that no notice or opportunity, as contemplated under the provisions of the Act, 1955, has been afforded to them before demolishing the structure in the subject property or before taking any coercive steps in respect of the subject property. Hence, following the said order passed by this Court in Writ Petition No.4109 of 2026 and batch, dated 12.02.2026 and for the reasons mentioned therein, this Writ Petition is disposed of, with a direction to the respondents not to initiate any coercive steps in respect of the subject property, without following the due process of law. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

K. SREENIVASA REDDY, J.

Date: 16.02.2026

sj

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HON'BLE SRI JUSTICE K. SREENIVASA REDDY**Writ Petition No.4302 of 2026****Date:16.02.2026**

sj