



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

FRIDAY, THE FOURTEENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY FIVE

**: PRESENT:
HONOURABLE SMT JUSTICE V.SUJATHA**

WRIT PETITION NO: 3981 OF 2025

Between:

Y Gopalaswamy, S/o.Chinnakrishnaiah, Aged about 47 years, Occ- Business,
R/o.H.No.7-2-109/1, Vidyanagar, Badvel Town, Badvel, YSR Kadapa District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Velagapudi, Amaravathi, Guntur Dist. A.P.
2. The Badvel Municipality, Rep. by its Commissioner, Badvel, YSR Kadapa District.

Respondents

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 or order direction one in the nature of Writ of Mandamus declaring the order passed by the 2nd respondent revoking the building permission of the petitioner B.A.No.1123/0059/B/BDL/VN/24 dt.05.08.2024 vide through his proceedings Roc.No.1615/G1/2024 dt.06.02.2025 is as illegal, arbitrary, highhanded and violation of Article 14, 21 of Constitution of India and also contrary to A.P. Building Rules, 2017 and consequently direct

the 2nd respondent not to proceed further on the revocation proceedings Roc.No.1615/G1/2024 dt.06.02.2025.

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 to suspend the order passed by the 2nd respondent vide Roc.No.1615/G1/2024 dt.06.02.2025, Pending disposal of WP No.3981 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri S Lakshminarayana Reddy, Advocate for the Petitioner, and of GP for Municipal Admn & Urban Dev for the Respondent No.1 and of M/s V. Sireesha Rani, Standing Counsel for Respondent No.2, the Court made the following.

ORDER

The petitioner has earlier filed W.P.No.25757 of 2024 challenging the Provisional Order Notice dated 08.11.2024, which was disposed of by this Court, which reads as follows:

“..the petitioner is permitted to submit her explanation including all the necessary documents in support of her claim to the above said notice, dated 08.11.2024 within a period of two (2) weeks from the date of receipt of this order. On receipt of the same, the 2nd respondent is directed to proceed with the necessary enquiry pursuant to the above said notice, dated 08.11.2024 strictly in accordance with law by hearing all the parties concerned including the petitioner and the complainant, Smt. Medimella Suseelamma, giving due opportunity and upon verification of the records and the subject building

construction and the premises, appropriate decision shall be take on its own merits, as expeditiously as possible, preferably, within a period of eight (8) weeks thereafter. Pending the above said enquiry, there shall not be any coercive action and there shall not be any further construction."

In pursuance of the subsequent notice dated 27.12.2024, the petitioner has submitted an explanation on 05.02.2025 specifically stating that he is the absolute owner and possessor of the land an extent of Ac.0-07 cents covered in Sy.No.1754/2A of Chennampalli Village which was devolved on him by virtue of registered Gift Deed dated 12.07.2024 executed by his wife, who had acquired title under registered sale deed dated 07.03.2024, who had, in turn, purchased the same from LRs of original assignee and also stated that the said land was made free hold from the assigned land by virtue of G.O.Ms.No.596, dated 19.12.2023.

The grievance of the petitioner is that duly considering the representation submitted by the petitioner, the 2nd respondent granted building permission on 05.08.2024. Thereafter basing upon the complaint lodged by Smt. Suseelamma, the 2nd respondent has passed the present impugned order revoking the said building permission granted to the petitioner.

On a perusal of the impugned proceedings dated 06.02.2025, it is evident that the respondents failed to appreciate the fact that the subject land was made free hold from the assigned land by virtue of G.O.Ms.No.596, dated 19.12.2023, which is also evident from the copy of the Adangal dated 19.07.2024 filed by the petitioner herein.

In view of the same, there shall be an interim suspension of order passed by the 2nd respondent vide Roc.No.1615/G1/2024, dated 06.02.2025.

At request of learned Standing Counsel for respondents, for filing counter, post the matter after three weeks.


SD/- N.NAGAMMA
ASSISTANT REGISTRAR


SECTION OFFICER

//TRUE COPY//

For

To,

1. The Principal Secretary, State of Andhra Pradesh, Municipal Administration Department, Secretariat, Velagapudi, Amaravathi, Guntur Dist. A.P. (By Special Messenger)
2. The Commissioner, Badvel Municipality, Badvel, YSR Kadapa District (by RPAD)
3. One CC to Sri S Lakshminarayana Reddy, Advocate [OPUC]
4. One CC to M/s V. Sireesha Rani, Standing Counsel [OPUC]
5. Two CCs to GP Municipal Admn & Urban Dev, High Court of Andhra Pradesh [OUT]
6. One spare copy

HIGH COURT

VS, J

DATED: 14/02/2025

POST THE MATTER AFTER THREE WEEKS

ORDER

WP.NO.3981 OF 2025

INTERIM SUSPENSION

