



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

[3328]

**THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 4519/2026

Between:

1.MEDISETTY VENKATA SUBBARAO, S/O KONDALA RAO (LATE),
AGED ABOUT 42 YEARS, R/O 5-420, OPP. CHIMAKURTHY EYE
HOSPITAL, KURNOOL ROAD, ONGOLE, PRAKASAM DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION
DEPARTMENT AND URBAN DEVELOPMENT DEPARTMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT 522238.

2.THE ONGOLE MUNICIPAL CORPORATION, REP. BY ITS
COMMISSIONER, ONGOLE MUNICIPAL CORPORATION OFFICE,
OPP. CHURCH CENTRE, ONGOLE 523001.

...RESPONDENT(S):

Counsel for the Petitioner:

1.SASANKA BHUVANAGIRI

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORAL ORDER:

Heard Sri Sasanka Bhuvanagiri, learned Counsel for the Writ Petitioner, Sri Srinu Babu, learned Assistant Government Pleader for MAUD and Sri S. Vijaya Kumar, learned Counsel, representing Sri A.S.C. Bose, learned Standing Counsel for the Municipal Corporation.

2. The present Writ Petition is filed seeking the following relief:

“It is therefore prayed that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd respondent and its staff in a) pressurising the petitioner to accept TDR certificates by handing over his property i.e 48 Sq. yards of land along with G 1 RCC Structure with D.No 37-1-234(3), Assessment No 1035016811 in T.S.No. 349, Trunk Road, Ongole, Prakasam District for proposed road widening of the road from J.M.B Church Center to Old Market (Trunk Road) to a width of 80 feet in Phase-1 and b) initiating steps to dispossess petitioner from the land of said property by demolishing the structure without following the procedure under The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 as illegal, arbitrary, unconstitutional and consequently direct the Respondent No.2 not to interfere with the possession and ownership of Petitioner over his property without following the procedure contemplated under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and pass such other order or orders this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. This Court, having considered the Prayer in the above extract, is of the opinion that the facts of the present Writ Petition are squarely covered by the Order passed by the learned Single Judge of this Court in W.P.No.21175 of 2025, dated 08.09.2025.

4. The Order dated 08.09.2025 in W.P.No.21175 of 2025 is placed on record by way of a Memo filed by the Writ Petitioner on 12.12.2026. The said Order would indicate that, in respect of persons who oppose or decline to accept the TDR Bonds, the only course that is left open to the Official

Respondents is to initiate Proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

5. The relevant portion of the Order passed by this Court dated 08.09.2025 is usefully extracted hereunder:

“6. Section 146 deals with acquisition of immovable property by agreement.

7. Section 147 deals with procedure when immovable property cannot be acquired by agreement.

8. Section 145 empowers the Corporation to acquire any property on payment of compensation.

9. The insistence of the 2nd respondent in indicating the TDR bonds as an alternative for the land affected and required for public purpose would amount to coercive tactics of the respondent authorities.

10. In view of Section 147 of the Act of the Municipal Corporation, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, would have to be essentially followed by the respondent authorities. It is always open to the petitioner to accept the offer of TDR bonds. However, in cases where the landowners do not accept the TDR bonds offered by the respondent authorities, the respondent authorities would have to follow the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

11. On these considerations, the writ petition is disposed off directing the respondent authorities not to disturb the possession and enjoyment of the petitioner property without following due process of law, making it further clear that the respondent authorities shall have to follow the Act 30 of 13 while acquiring the land of the petitioner. There shall be no order as to costs.”

6. In terms of the above extract, this Writ Petition is disposed of, directing the Respondent Authorities not to disturb the possession and enjoyment of the Petitioner's property without following due process of law by making it amply clear that the Respondent Authorities shall follow the Act 30 of 2013 if they

intend to secure the land belonging to the Writ Petitioner herein. No order as to cost.

7. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 19.02.2026

DSV

HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 4519/2026

19.02.2026

DSV

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI**MAIN CASE No. WRIT PETITION NO: 4519/2026****PROCEEDING SHEET**

Sl. No	DATE	ORDER	Office Note
2.	19.02.2026	<u>GRKP, J</u> Writ Petition is disposed of. (vide separate order) DSV <u>GRKP, J</u>	

