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

[3457]

TUESDAY, THE 30th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 6324/2023

Between:

1. PENDYALA VENKATA RATNAM, W/O. P. VENKATESWARLU AGED ABOUT 62 YEARS, OCC. HOUSE WIFE R/O. PLOT NO.6, ORACHERUVUKATTA REVENUE WARD NO.6, ONGOLE PRAKASAM DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI GUNTUR DISTRICT
2. THE ONGOLE MUNICIPAL CORPORATION, ONGOLE, PRAKASAM DISTRICT, ANDHRA PRADESH REP. BY ITS COMMISSIONER.
3. THE COLLECTOR AND DISTRICT MAGISTRATE, PRAKASAM DISTRICT, ONGOLE.
4. THE REVENUE DIVISIONAL OFFICER, ONGOLE, PRAKASAM DISTRICT.
5. THE TAHSILDAR, ONGOLE (URBAN), ONGOLE, PRAKASAM DISTRICT. RR 3 TO 5 ARE IMPEADED AS PER THE COURT'S ORDER DT.19.03.2025 IN I.A.NO.01 OF 2025.

...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 a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the 2nd Respondent in not taking any action on the representation dt.20-06-2022 made by the petitioner to issue necessary permission for construction of RCC building in T.S.No.14/1, Vuracheruvu, Ongole, Prakasam District, Andhra Pradesh is illegal, arbitrary and unjust and consequently direct the 2nd respondent to process the application submitted by the petitioner for permission to construct a RCC building in the afore mentioned site and pass

IA NO: 1 OF 2023

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 2nd respondent to consider the petitioner's

representation dt.20-06-2022 for issuance of necessary permission for construction of RCC building in T.S.No.14/ 1, Vuracheruvu, Ongole, Prakasam District, Andhra Pradesh pending disposal of the above writ petition and pass

IA NO: 1 OF 2024

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 grant leave to the Petitioner/respondent No:02 in the WP No:6324 of 2023 to file the counter affidavit in the above writ petition

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 permit the petitioner to implead the proposed respondent nos. 3 to 5 as party respondent nos. 3 to 5 in W.P.No. 6324 of 2023 as well as Interlocutory Applications and pass

Counsel for the Petitioner:

- 1.KAVITHA GOTTIPATI

Counsel for the Respondent(S):

- 1.GP FOR MUNICIPAL ADMN URBAN DEV
- 2.GP FOR REVENUE
- 3.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)
- 4.J DILEEP KUMAR

THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION NO: 6324/2023

ORDER :

The learned counsel appearing for the petitioner submits that the petitioner is aggrieved by the inaction of the 2nd respondent in considering the representation, dated 20.06.2022, submitted by the petitioner seeking necessary permission for construction of a RCC building in TS.No.14/1, Vuracheruvu, Ongole, Prakasam District.

2. It is the specific case of the petitioner that the petitioner was allotted Ac.0.02½ cents of house site patta *vide* D.K.No.136/Fasli/1412 in the name of the petitioner. Though the patta certificate was issued in favour of the petitioner, the 2nd respondent *vide* letter, dated 17.02.2009, denied demarcating the boundaries and consequential endorsement, dated 19.10.2009 was passed.

3. The petitioner filed W.P.No.3998 of 2010, which was allowed by this Court on 03.04.2013, setting aside the impugned proceedings and directed the respondents 2 & 3 therein to demarcate the extent of Ac.0.02½ cents of house site assigned to the petitioner. In pursuance of the said orders, the respondent – Tahsildar had handed over the possession of the house site to the petitioner. The petitioner thereafter, constructed a temporary AC Sheet shed and has been living at the said property. It is also submitted that the property has been assessed for municipal taxes and the petitioner intended to construct a RCC structure and submitted a representation, dated 20.06.2022

along with all documents seeking grant of building permission. It is further submitted that the respondents are denying permission primarily, on the ground that, TS.No.14/1 forms part and parcel of tank bed and that any constructions over tank bed cannot be permitted. It is also submitted that the extent of land in possession of the petitioner is on account of the house site patta granted by a competent authority and the possession was handed over to the petitioner by a competent authority in pursuance of directions of this Court in WP.No.3998 of 2010.

4. The learned standing counsel for the respondent No.2 submits that certain developments have taken place in the area where the petitioner's property is situated and the petitioner would have to apply for building permission through the online procedure. It is also submitted that TS.No.14/1 of Ongole is not available on the web portal as the Collector and District Magistrate, Prakasam District has placed TS.No.14/1/survey No.201/1 as a prohibited land in Section 22-A Register vide letter dated 11.12.2017. The respondent Nos.3 to 5 have filed a memo, it is admitted that the possession was handed over to the petitioner in the year 2013. The relevant proceedings relating to handing over the subject site to the petitioner are also placed on record by the learned Assistant Government Pleader appearing for the respondent Nos.3 to 5.

5. Considering the submissions and considering the material on record, it is not in dispute that the petitioner is in possession and enjoyment of the

property in pursuance of the patta granted and in pursuance of the possession handed over to the petitioner. It is also not in dispute that several developments have come up in the area abetting the petitioner's property. Constructions by the State for primary school, mini stadium and other Government Buildings have come up in the area including sub-stations etc., When the buildings have been constructed by the state for use of public denying permission to the petitioner for construction of the house cannot be justified.

6. As the proceedings of the District Collector dated 11.12.2017 directing inclusion of TS.No.14/1 or Survey No.201/1 of Ongole Municipality in the prohibited list under Section 22-A of the Registration Act are coming in the way of the respondent No.2 in granting building permission, the respondent No.3 is hereby directed to delete the extent of petitioner's land in TS.No.14/1, Plot No.6 admeasuring Ac.0.02½ cents from the prohibitory list. The same would have to be communicated to the Sub-Registrar and also the respondent No.2 for enabling the respondent No.2 to entertain the application of the petitioner for grant of building permission.

7. The respondent No.2 is further directed not to interfere with the peaceful possession and enjoyment of the petitioner of the subject property without following the due procedure of law. It is also made clear that the respondent No.3 shall pass the relevant proceedings for facilitating the respondent No.2 to process the application of the petitioner seeking building permission.

8. At any rate, the entire process shall be completed within a period of eight weeks from the date of receipt of this order.

9. With the above observations, the Writ Petition is disposed off. There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

HARINATH.N, J

Date:30.06.2026
KPV/KGM

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.6324 of 2023

30.06.2026

KPV