

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

TUESDAY, THE EIGHTEENTH DAY OF MARCH

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 6858 OF 2025



Between:

1. Thota Kasi Visweswara Rao, S/o.Thota Peda Nancharaiah, aged about 70 years, R/o.D.No.61-10-3, Sai Suguna Public School backside, Nagedra Nagar, Ramalingeswara Nagar, Vijayawada-13.
2. Thota Surya Ramesh Babu, S/o.Kasi Visweswara Rao, aged about 45 years, R/o.D.No.61-10-3, Sai Suguna Public School backside, Nagedra Nagar, Ramalingeswara Nagar, Vijayawada-13.

...PETITIONERS

AND

1. The State of Andhra Pradesh, Through the Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Vijayawada Municipal Corporation, Rep. by Its Municipal Commissioner, Vijayawada.
3. The Asst. City Planner-III, Vijayawada Municipal Corporation, Vijayawada.
4. V.V.Basavaiah, S/o. not known to the Petitioner, Aged.Major, R/o.D.No.40-24-17/1,Beside GK Towers, Jastivari Street, Patamatalanka, Vijayawada

...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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of

the Respondents under Proceedings bearing Rc.G6-113866/2022, dt 10-03-2025, where under directing the Petitioner herein to remove the cattle shed situated in R.S.No.43 of Ramalingeswara Nagar, Vijayawada-13 in an extent of 450 Sq Yards is arbitrary, illegal. Capricious and violative of provisions of A.P.Municipal Corporation Act and contrary to the orders dt 20-02-2025 in W.P.No.34706/2022 and consequently set aside the same.

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 grant stay of all further proceedings including removal of cattle shed in the premises to an extent of 450 Square Yards in Sy.No.43 of Ramalingeswara Nagar, Vijayawada by suspending the operation of the impugned proceedings. 10-03-2025 issued by the 3rd Respondent, pending disposal of the above writ petition.

Counsel for the Petitioners: SRI SAI GANGADHAR CHAMARTY

Counsel for the Respondent No.1: GP FOR MUNICIPAL

ADMINISTRATION AND URBAN DEVELOPMENT

**Counsel for the Respondent Nos.2 & 3: SRI A.S.C. BOSE, SC FOR
MUNICIPAL CORPORATIONS**

Counsel for the Respondent No.4: SRI K.V.ADITYA CHOWDARY

The Court made the following: ORDER

APHC010135132025



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

[3460]

**TUESDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 6858/2025

Between:

Thota Kasi Visweswara Rao and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1. SAI GANGADHAR CHAMARTY

Counsel for the Respondent(S):

1. K V ADITYA CHOWDARY

2. GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORDER:

The present Writ Petition is filed questioning the proceedings dated 10.03.2025, issued by the 3rd Respondent in calling upon the Petitioners to remove the cattle shed raised by him.

2. The learned counsel for the Petitioners submits that the Petitioners are the absolute owners of the land admeasuring to an extent of 450 Sq. yards in R.S. No.43 of Ramalingeswara Nagar, for more than five (05) decades and the subject property was assessed for municipal tax. He further submitted that the 4th Respondent herein filed O.S.No.98 of 2021, on the file of the learned VII Additional District Judge, Vijayawada, for declaration of his title and also filed I.A. No.691 of 2022, for mandatory injunction and the same is pending.

3. While so, the Respondent Nos.2 and 3, at the instance of the complaint made by the Respondent No.4, are trying to demolish the cattle shed of the Petitioners by issuing an endorsement dated 13.10.2022. The Petitioner No.1 filed W.P. No.34706 of 2022 before this Court and the same was disposed of by an Order dated 20.02.2025. Pursuant to the orders passed by this Court, the Respondent No.3 issued notice to the Petitioners straight away without conducting any enquiry by calling upon the Petitioners to remove the structures in the scheduled premises as no building permission was obtained.

4. The learned Standing counsel for the Respondent-Corporation submits that the Petitioners may be called upon to submit their explanation by treating the impugned notice dated 10.03.2025 as show-cause notice and thereafter, the Respondent Nos.2 and 3 would conduct enquiry and pass appropriate orders after hearing the Petitioners.

5. In view of the submissions made, this Court is of the opinion that the Writ Petition can be disposed of by directing the Petitioners to submit explanation to the impugned notice dated 10.03.2025 by treating the same as show-cause notice after within a period of two (02) weeks. Thereafter, the Respondent Nos.2 and 3 shall pass appropriate orders after putting the Petitioners on notice. There shall be no orders as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Department of Municipal Administration and Urban Development, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Commissioner, Vijayawada Municipal Corporation, Vijayawada.
3. The Asst. City Planner-III, Vijayawada Municipal Corporation, Vijayawada.
4. One CC to Sri Sai Gangadhar Chamarty, Advocate [OPUC]
5. One CC to Sri A.S.C. Bose, SC for Municipal Corporations[OPUC]
6. One CC to Sri K.V. Aditya Chowdary, Advocate[OPUC]
7. Two CCs to GP for Municipal Administration and Urban Development High Court of Andhra Pradesh. [OUT]
8. Three CD Copies.

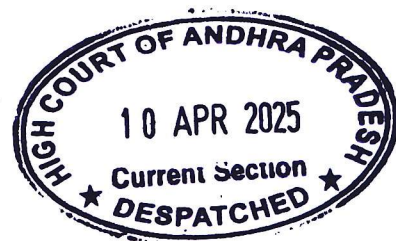
ssb

HIGH COURT

DATED:18/03/2025

ORDER

WP.No.6858 of 2025



DISPOSING OF THE W.P. WITHOUT COSTS