

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF MARCH

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 6936 OF 2025



Between:

Bathula Ranjan, S/o. Jacob Babu Rao, Aged 37 years, Occ Bank Manager,
R/o. Plot. No.5, Mamidipalem, Ongole, Prakasam District.

...PETITIONER

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary to Government,
Municipal Administration Department, Secretariat, Velagapudi, Amaravati,
Guntur District.
2. Ongole Municipal Corporation, Rep.by its Commissioner, Ongole,
Prakasam 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 a Writ, order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the 2nd respondent in taking steps to demolish the compound wall of the petitioner house situated at D.No. 1-3-37 vide B.A. No.1035 -0503- B- MRPTPLM -2019, Ward No.19, Mamidipalem, Ongole, Prakasam District under the guise of Notice vide R.O.C.No. PRA202502241114, dated 10.03.2025 as illegal, arbitrary, without jurisdiction, violative of principles of natural justice and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents

not to interfere/demolish with the petitioner compound wall by setting aside the notice dated 10.03.2025 issued by the 2nd respondent.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to interfere/demolish with the petitioner compound wall by suspending the impugned notice dated 10.03.2025 issued by the 2nd respondent, pending disposal of the main Writ Petition.

Counsel for the Petitioner SRI K KOUTILYA

Counsel for the Respondent No.1: GP MUNICIPAL ADMN AND URBAN DEV

Counsel for the Respondent No.2: SRI A S C BOSE (SC FOR MUNICIPAL CORPORATION)

The Court made the following: ORDER

APHC010136482025



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

[3460]

WEDNESDAY ,THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No: 6936/2025

Between:

Bathula Ranjan,

...PETITIONER

AND

State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.K KOUTILYA

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**WRIT PETITION No. 6936 of 2025****ORDER:**

1. The present Writ Petition is filed questioning the Notice vide ROC No.PRA202502241114, dated 10.03.2025 issued by the Respondent No.2 under Sections 401, 405 and 406 of A.P. Corporation Act, 1955, wherein the Petitioner was called upon to remove the encroachments made by him within a period of seven days.
2. The Petitioner claims to have purchased a house bearing Door No.1-3-37 vide B.A.No.1035_0503_B_MRPTPLM_2019, Ward No.19, Mamidipalem, Ongole, Prakasam District, under a registered Sale Deed bearing Document No.10389 of 2019 dated 27.11.2019 for consideration. While so, a Notice was issued by the Respondent No.2 stating that the Petitioner had encroached the 30 feet road in Sy.No.101/1 and had constructed a compound wall and called upon the Petitioner to immediately remove the said compound wall. Hence, the present Writ Petition was filed on the ground that no prior notice was issued and straight away a Notice dated 10.03.2025 was issued by the Respondent No.2 to call upon the Petitioner to remove the compound wall constructed by

the Petitioner.

3. Learned Standing Counsel for the Respondent Corporation passed on the Written Instructions signed by the Respondent No.2 wherein it is stated that the Petitioner had constructed a compound wall across the 30'-00" road blocking the access for the neighbouring layout plot holders and the present road was a road in regularized layout and the road was treated as public road and hence, the said notice was issued. A reference was also made under Section 405 of the A.P. Corporation Act, which empowers the Commissioner to remove the encroachments without any notice.

4. Having considered the rival submissions, this Court is of the opinion that the Petitioner is entitled to be heard to enable him to establish his defence that there is no encroachment. Though Section 405 of the Act enables the Commissioner to remove the encroachments in contravention of the act, but it is only when immediate action is required in public interest (AIR 1992 AP 143) and that is not the case in the present case as wall appears to have been constructed by the Petitioner some time back.

5. Therefore, it would be appropriate to dispose of the Writ Petition by directing the Petitioner to submit his explanation within a period of two weeks by treating the impugned Notice dated 10.03.2025 as a Show Cause Notice. The Respondent No.2, after due verification, may pass appropriate orders thereon within a period of four weeks thereafter considering the objections raised by the Petitioner. Till such time, no coercive steps shall be taken against the Petitioner.

6. With the above observation, the Writ Petition is disposed of.
No order as to costs.

As a sequel, miscellaneous Petitions, if any, shall stand closed.

Sd/- G HELA NAIDU
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Municipal Administration Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Commissioner, Ongole Municipal Corporation, Ongole, Prakasam District.
3. One CC to SRI. K KOUTILYA, Advocate [OPUC]
4. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV, High Court of Andhra Pradesh. [OUT]
5. One CC to SRI. A.S.C. BOSE, (SC FOR MUNICIPAL CORPORATION [OPUC]
6. Three C.D. Copies

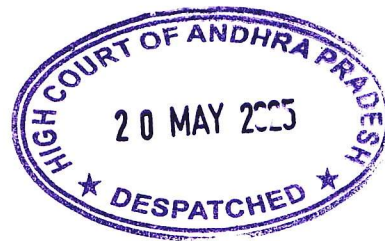
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sree

HIGH COURT

DATED:19/03/2025

ORDER

WP.No.6936 of 2025



DISPOSING OF THE WP WITHOUT COSTS