



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

**[3457]**

MONDAY, THE FOURTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**WRIT PETITION NOs: 7541 and 7542/2024**

**WRIT PETITION NO: 7541/2024**

**Between:**

1.KATARI VENKATESWARAMMA, W/O SRINIVAS, D.NO.22-33, SRI SRINIVAS ENCLAVE,F1 4TH FLOOR, BHAGATH SINGH NAGAR ,3RD LANE YENAMALAKUDUR.

**...PETITIONER**

**AND**

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI AT AMARAVATHI, GUNTUR DISTRICT.

2.YSR TADIGADAPA MUNICIPALITY, REP BY THE COMMISSIONER, TADIGADAPA, KRISHNA DISTRICT.

3.THE TOWN PLANNING SUPERVISOR, YSR TADIGADAPA MUNICIPAL CORPORATION, TADIGADAPA ,KRISHNA DISTRICT.

4.YERNENI VAMSI MOHAN S/O SUBASH CHANDRABOSE, AGE 50 YEARS, D.NO.6-3-82, SRI SRINIVASA AVENUE, FLAT.NO.404, LVS GARDENS (STBL COLONY), YSR TADIGADAPA(MUNICIPALITY), KRISHNA DISTRICT. R4 IS IMPEADED AS PER THE COURT ORDER DT.03.05.2024 VIDE ORDERS PASSED IN IA NO.2 OF 2024.

5. SMT KATARI VIJAYALAXMI W/O VENKATESWARARAO, 6-3-82, SRI SRINIVASA AVENUE, FLAT NO.602, LVS GARDENS STBL COLONY, YSR TADIGADAPA MUNICIPALITY, KRISHNA DISTRICT R5 IS IMPEADED AS PER THE CO DT.08.07.2024 VIDE ORDERS PASSED IN IA NO.4 OF 2024.

**...RESPONDENT(S):**

**Counsel for the Petitioner:**

1. VVV RAO YARREREDDY

**Counsel for the Respondent(S):**

1. Sireesha Rani Vallabhaneni, Standing Counsel For Municipalities

2. K K DURGA PRASAD

3. PEETA RAMAN

4. GP MUNICIPAL ADMN AND URBAN DEV AP

**WRIT PETITION NO: 7542/2024**

**Between:**

1. KATARI NALINI, W/O MAHESH BABU D.NO.14-98, SRI SRINIVASA RESIDENCY, FL 4TH FLOOR VELAGAPUDI, THIRUPATHAIAH STREET, YENAMALAKUDUR

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI AT AMARAVATHI, GUNTUR DISTRICT.

2. YSR TADIGADAPA MUNICIPALITY, REP BY COMMISSIONER KRISHNA DISTRICT.

3. THE TOWN PLANNING SUPERVISOR, , YSR TADIGADAPA MUNICIPAL CORPORATION, TADIGADAPA, KRISHNA DISTRICT

4. YERNENI VAMSI MOHAN S/O SUBASH CHANDRABOSE, AGE 50 YEARS, D.NO.6-3-82, SRI SRINIVASA AVENUE, FLAT.NO.404, LVS

GARDENS (STBL COLONY),  
 YSR TADIGADAPA(MUNICIPALITY), KRISHNA DISTRICT R4 IS  
 IMPEADED AS PER THE COURT ORDER DT.03.05.2024 VIDE  
 ORDERS PASSED IN IA NO.2 OF 2024.

5.SRI MEDA KIRAN KUMAR CELL NO 9014904279, AGED ABOUT 36  
 YEARS, D.NO.6-3-82, SRI SRINIVASA AVENUE, FLAT.NO.602,LVS  
 GARDENS (STBL COLONY), YSR TADIGADAPA ( MUNICIPALITY) ,  
 KRISHNA DISTRICT. R5 IS IMPEADED AS PER THE COURT  
 ORDER DT.03.10.2024 VIDE ORDERS PASSED IN I.A.NO. 04 OF  
 2024.

**...RESPONDENT(S):**

**Counsel for the Petitioner:**

1.VVV RAO YARREREDDY

**Counsel for the Respondent(S):**

1.GP FOR MUNICIPAL ADMN URBAN DEV

2.Sireesha Rani Vallabhaneni,Standing Counsel For Municipalities

3.KASIM NAGASAIM

4.K K DURGA PRASAD

**The Court made the following:**

**Common Order:-**

The learned counsel for the petitioner submits that the petitioner is aggrieved by the order dated 24.02.2024, whereby the 2<sup>nd</sup> respondent confirmed the deviations in the construction. Prior to the issuance of the said order, a Provisional Order/Notice dated 01.02.2024 was issued, wherein the 2<sup>nd</sup> respondent directed the petitioner to demolish the unauthorized construction of the 6<sup>th</sup> floor (penthouse) constructed over the existing stilt, ground floor, and four upper floors.

2. This Court, by order dated 26.03.2024, also directed the respondent authorities not to take any coercive steps and also directed the petitioner not to make any further construction.

3. The learned Standing Counsel appearing for respondent Nos. 2 and 3 submits that the petitioner has constructed by deviating from the sanctioned plan and has unauthorizedly constructed an additional floor in the form of two penthouses. It is also stated that the petitioner has executed sale deeds in favour of the petitioner's relatives for the same penthouse. It is further submitted that there is no provision for regularizing the said unauthorized construction, and as such, the impugned proceedings are well within the powers of the 2<sup>nd</sup> respondent.

4 It is further submitted that the petitioner could not have constructed any additional floor or portion on the 6<sup>th</sup> floor without obtaining prior permission

from the competent authority. It is also submitted that the height of the building exceeds 18 meters; therefore, there is no provision for regularizing the same.

5. The learned counsel appearing for the 4<sup>th</sup> respondent submits that the 4<sup>th</sup> respondent is a resident of the said apartment and that the terrace rights are open to all residents of the apartment. The construction of two unauthorized penthouses, namely Flat Nos. 601 and 602, and the execution of title documents in favor of his wife and mother do not entitle the petitioner to claim any right or ownership over the said unauthorized constructions.

6. It is submitted that the said unauthorized construction would also carve out an area for parking and eat into the common parking area, which would cause inconvenience to the residents of the flats.

7. Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondent Nos.2 & 3 and the learned counsel appearing for the 4<sup>th</sup> respondent.

8. The learned counsel for the petitioner, on the other hand, submits that the petitioner intends to approach the Government and file a statutory appeal and seeks protection till the appeal is disposed of.

9. These writ petitions are disposed of, leaving it open for the petitioner to take steps as advised. Insofar as further action to be taken against the unauthorized construction, it is left open for respondent Nos. 2 and 3 to take appropriate steps. No costs.

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

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**JUSTICE HARINATH.N**

04.08.2025  
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