



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



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

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos. 7541 AND 7542 OF 2024

WRIT PETITION NO: 7541 OF 2024

Between:

Smt. 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.
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

(R4 is impleaded in Petition and affidavit as per the Court Order dt.03.05.2024 vide orders passed in IA No.2 of 2024)

(R5 is impleaded in Petition and affidavit as per the Court Order dt.08.07.2024 vide orders passed in IA No.4 of 2024)

...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 appropriate Writ, direction or order more particularly one in the nature of mandamus declaring the action of the 2nd Respondent and 3rd Respondents in issuing the Provisional Order 01.02.2024 Notice No. UC/2/2024 Notice Under Section 228(1&2) R/W Section 209,212 of APM Act 1965 and UNDERSECTION 115(1) and 116(1) Read With Sections 108,109 and 110 of AP CAPITAL REGION DEVELOPMENT AUTHORITY Act 2014 in rejecting the reply and threatened to demolish the petitioners Pent house with in the 3 days by issuing the Confirmation Order U/s 228(3) of APM Act 1965 and U/s 115 (3) of APCRDA Act 2014. Dated /02/2024, failing to remove the deviations immediately without following the due process of law is arbitrary, illegal, capricious, unjust and violate of the Articles 14,19 21 and 300A Constitution of India and in breach of principles of natural Justice and consequently direct the Respondents not to Demolish the Petitioners Pent house with an Extent of 40 Sqyds premises bearing R.S. No.170/1 with Door No.6-3-82 at Tadigadapa Village, Krishna District.

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 direct the Respondents not to demolish the Pent house in a 40sqyds Extn premises bearing R.S. No.170/1 with Door No.6-3-82 at Tadigadapa Village Krishna District in pursuance of the above said proceedings in the interest of justice.

IA NO: 3 OF 2024

Between:

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.

...PETITIONER/4th RESPONDENT

AND

1. Smt. Katari Venkateswaramma, W/o Srinivas, D.No.22-33, Sri Srinivas Enclave, F1 4TH Floor, Bhagath Singh Nagar ,3rd Lane Yenamalakudur, YSR Tadigadapa Municipality, Krishna District.

...RESPONDENT/WRIT PETITIONER

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, A.P. Secretariat, Velagapudi at Amaravathi, Guntur District.
3. YSR Tadigadapa Municipality, Rep. by The Commissioner, Tadigadapa, Krishna District.
4. The Town Planning Supervisor, YSR Tadigadapa Municipal Corporation, Tadigadapa ,Krishna District.

...RESPONDENTS/ RESPONDENTS

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 vacate the interim orders granted on 26.03.2024 in WP.No.7541/2024.

IA NO: 5 OF 2024

Between:

YSR Tadigadapa Municipality, Rep. by The Commissioner, Krishna District.

...PETITIONER/RESPONDENT

AND

1. Smt. Katari Venkateswaramma, W/o Srinivas, D.No.22-33, Sri Srinivas Enclave, F1 4th Floor, Bhagath Singh Nagar ,3rd Lane Yenamalakudur.

...RESPONDENT/PETITIONER

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, A.P. Secretariat, Velagapudi at Amaravathi, Guntur 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.
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 .

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(R5 is impleaded in Petition and affidavit as per the Court Order dt.08.07.2024 vide orders passed in IA No.4 of 2024)

(R2 to R5 are formal parties)

...RESPONDENTS

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 vacate the interim orders granted on 26.03.2024 in WP No. 7541 of 2024 and dismiss the Writ Petition in the interest of justice.

Counsel for the Petitioner: SRI V.V.V. RAO YARREREDDY

Counsel for the Respondent No.1:GP FOR MUNICIPAL

ADMINISTRATION AND URBAN DEVELOPMENT

Counsel for the Respondent Nos.2 & 3: M/s. SIREESHA RANI

VALLABHANENI, SC FOR MUNICIPALITIES

Counsel for the Respondent No.4: SRI K. K. DURGA PRASAD

Counsel for the Respondent No.5: SRI PEETA RAMAN

APHC010146392024



WRIT PETITION NO: 7542 OF 2024

Between:

Katari Nalini, W/o Mahesh babu D.No.14-98,Sri Srinivasa Residency, F1 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, 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

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.

(R4 is impleaded in Writ Petition and affidavit as per the Court Order dt.03.05.2024 vide orders passed in IA No.2 of 2024.)

(R5 is impleaded in Writ Petition and affidavit as per the Court Order dt.03.10.2024 vide orders passed in I.A.No. 04 of 2024.)

...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 appropriate Writ ,direction or order more particularly one in the nature of mandamus declaring the action of the 2nd Respondent and 3rd Respondent s in issuing the Provisional Order 01.02.2024 Notice No. UC/2/2024 Notice Under Section 228(1 AND 2) R/W Section 209,212 of APM Act 1965 and UNDERSECTION 115(1) & 116(1) Read With Sections 108,109 AND110 of AP CAPITAL REGION DEVELOPMENT AUTHORITY Act 2014 in rejecting the reply and threatened to demolish the petitioners Pent house with in the 3 days by issuing the Confirmation Order U/s 228(3) of APM Act 1965 and U/s 115 (3)of APCRDA Act 2014. Dated /02/2024, failing to remove the deviations immediately without following the due process of law is arbitrary ,illegal, capricious , unjust and violate of the Articels 14,19 21 and 300A Constitution of India and in breach of principles of natural Justice and consequently direct the Respondents not to Demolish the Petitioners Pent house with an Extent of 40Sqyrd premises bearing R.S. No.170/1 with Door No.6-3-82 at Tadigadapa Village Krishna District.

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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 Respondents not to demolish the Pent house in a 40sqyrd Extn

premises bearing R.S. No.170/1 with Door No.6-3-82 at Tadigadapa Village Krishna District in pursuance of the above said proceedings in the interest of justice.

IA NO: 3 OF 2024

Between:

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.

...PETITIONER/4th RESPONDENT

AND

1. Smt. Katari Nalini, W/o Mahesh babu D.No.14-98,Sri Srinivasa Residency, F1 4th Floor, Velagapudi, Thirupathaiah Street, Yenamalakudur, YSR TadigadapaMunicipality, Krishna District.

...RESPONDENT/WRIT PETITIONER

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, A.P. Secretariat, Velagapudi at Amaravathi, Guntur District.
3. YSR Tadigadapa Municipality, Rep. by The Commissioner, Tadigadapa, Krishna District.
4. The Town Planning Supervisor, YSR Tadigadapa Municipal Corporation, Tadigadapa ,Krishna District.

..RESPONDENTS/ RESPONDENTS 1-3 in WP

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 impleaded as per the Court Order dt.03.10.2024 vide orders passed in I.A.No.04 of 2024.)

... RESPONDENT

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 vacate the interim orders granted on 26.03.2024 in WP.No.7542/2024.

IA NO: 5 OF 2024

Between:

YSR Tadigadapa Municipality, Rep. by The Commissioner, Krishna District.

...PETITIONER/RESPONDENT

AND

1. Katari Nalini, W/o Mahesh babu D.No.14-98,Sri Srinivasa Residency, F1 4th Floor, Velagapudi, Thirupathaiah Street, Yenamalakudur.

...RESPONDENT/PETITIONER

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, A.P. Secretariat, Velagapudi at Amaravathi, Guntur 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.
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 .

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(R2 to R4 are formal parties)

...RESPONDENTS/ RESPONDENTS



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 vacate the interim orders granted on 26.03.2024 in WP No. 7542 of 2024 and dismiss the Writ Petition in the interest of justice.

Counsel for the Petitioner: SRI V.V.V. RAO YARREREDDY

Counsel for the Respondent No.1:GP FOR MUNICIPAL

ADMINISTRATION AND URBAN DEVELOPMENT

Counsel for the Respondent Nos.2 & 3: M/s. SIREESHA RANI

VALLABHANENI, SC FOR MUNICIPALITIES

Counsel for the Respondent No.4: SRI K. K. DURGA PRASAD

Counsel for the Respondent No.5:SRI KASIM NAGASAIM

The Court made the following: COMMON ORDER



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
IMPLEADED 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. WV 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
IMPLEADED 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 IMPLEADED 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 2nd 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 2nd respondent directed the petitioner to demolish the unauthorized construction of the 6th 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 2nd respondent.

4 It is further submitted that the petitioner could not have constructed any additional floor or portion on the 6th 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 4th respondent submits that the 4th 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 4th 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.

**Sd/- M. SRINIVAS
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Andhra Pradesh, A.P. Secretariat, Velagapudi at Amaravathi, Guntur District.
2. The Commissioner, YSR Tadigadapa Municipality, Tadigadapa, Krishna District.
3. The Town Planning Supervisor, YSR Tadigadapa Municipal Corporation, Tadigadapa, Krishna District.
4. One CC to Sri V.V. V. Rao Yarrerreddy, Advocate [OPUC]
5. One CC to M/s. Sireesha Rani Vallabhaneni, SC for Municipalities [OPUC]
6. One CC to Sri K. K. Durga Prasad, Advocate [OPUC]
7. One CC to Sri Peeta Raman, Advocate [OPUC]
8. One CC to Sri Kasim Nagasaim, Advocate [OPUC]
9. Two CCs to GP for Municipal Administration and Urban Development High Court of Andhra Pradesh. [OUT]
10. Two CD Copies.

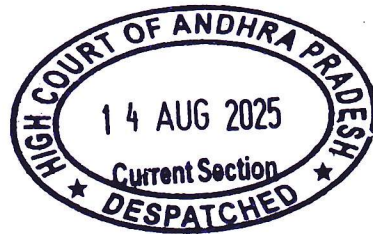
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HIGH COURT

DATED:04/08/2025

COMMON ORDER
WP Nos. 7541 & 7542 OF 2024



DISPOSING OF THE WRIT PETITIONS
WITHOUT COSTS