

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 7522 OF 2025



Between:

1. Varada Ravi Kiran, S/o.Kasiviswanadham, Aged 45 years, r/o. D.No.86-15-6/15 Manthena Gardens, Tilak Road, Rajamahendravaram, East Godavari District.
2. Shaik Abdul Khader, S/o. S.A. Ahammed, Aged 41 years, r/o D.No.9-11-25, Khaji Street, Rajamahendravaram, East Godavari District.

...Petitioners

AND

1. The State of Andhra Pradesh, rep by its Pri.Secretary, Municipal Administration Department, Secretariat, Velagapudi, Guntur District.
2. Rajamahendravaram Municipal Corporation, Rep by its Commissioner, Rajamahendravaram, East Godavari District.

...Respondents

Petition under Article 226 of the Constitution of India is filed 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 Writ of Mandamus declaring the action on the part of the Respondent no.2 in proposing to erect a statue in the South-West Corner of the property i.e., all that vacant site with a shed bearing D.No.81-46-12 in a total extent of 912 Sq.yds in R.S.No.211/2 situated in Jawaharlal Nehru Road, Rajamahendravaram, East Godavari District, which is under the Leasehold of the Petitioners by virtue of Regd. Lease Deed dt.26- 03-2022, vide Doc.No.3880 of 2022, without any Notice or acquisition and despite the objection of the Petitioners by way of Letter dt. 11-03-2025, but still

proceeding with the work is nothing but arbitrary, illegal, highhanded and in violation of the Principles of Natural Justice and the Fundamental Rights of the Petitioners, by consequently directing the Respondent no.2 not to erect any type of Statue or any type of constructions in the above said property.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Grant Interim Orders of direction, directing the Respondent no.2 not to proceed with any type of construction in the property i.e., all that vacant site with a shed bearing D.No.81-46-12 in a total extent of 912 Sq.yds in R.S.No.211/2, situated in Jawaharlal Nehru Road, Rajamahendravaram, East Godavari District, until further orders of this Hon'ble Court, Pending disposal of WP 7522 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the High Court order dated 21.03.2025 & 04.04.2025 made herein and upon hearing the arguments of SRI P RAJESH BABU Advocate for the Petitioners, and of GP MUNICIPAL ADMINISTRATION for Respondent No.1, and of Sri A.S.C.Bose, Standing Counsel, for the Respondent No.2, and the Court made the following;

ORDER:

Learned standing counsel submitted instructions which show that the construction is being made in the premises of the Junior and Degree college at the instance of the said management.

This Court is of the opinion that the right sought to be enforced is a private right arising from lease deed registered in favour of the Petitioner and it would be appropriate to work out the remedy in civil Court rather than the writ jurisdiction.

Learned counsel for the Petitioner seeks short accommodation to examine the same.

Post on 30.04.2025.

Interim order granted earlier is extended till then.

//TRUE COPY//

A:

**SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER**

To,

1. One CC to Sri. P.RajeshBabu, Advocate [OPUC]
2. One CC to Sri A.S.C.Bose, Standing Counsel, High Court of Andhra Pradesh [OPUC]
3. Two CCs to GP for Muncipal Admnistration, High Court of Andhra Pradesh. [OUT]
4. **One spare copy**

JSS

HIGH COURT

VN, J

DATED:22.04.2025

POST ON 30.04.2025.

ORDER

WP.No.7522 of 2025

INTERIM ORDER EXTENDED

