

**WRIT APPEAL NO: 361 of 2026**

Ramayanam Subba Rao

...Appellant

Vs.

The State of Andhra Pradesh and others

...Respondents

Advocate for Appellant : Ms Almas Begum Mohammed

Advocate(s) for Respondent(s): Ms Sireesha Rani Vallabhaneni
[SC for Municipalities] for R.3Mr G. Sai Prakash represented by
Mr Solomon for R.5**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE CHALLA GUNARANJAN****DATE : 20th April, 2026****P C :**

The present writ appeal has been preferred against the judgment and order, dated 27.02.2026 passed in WP.No.4237 of 2025.

2. In the earlier round of litigation, a PIL came to be preferred bearing WP(PIL).No.79 of 2020 in which the petitioner had questioned the inaction on the part of the official respondents in not considering his representation against the unauthorized graveyard in the land where a church was existing.

The contention of the petitioner was that the land belonging to the Government came to be allotted to an extent of Acs.42.00 in favour of Christian Missionaries to run a hospital for the benefit of the poor and needy and those belonging to the economically backward and marginalized communities.

The said plot of land was stated to be prime land situate in the middle of Bhimavaram town with people from all sects and religions staying around and in close proximity to the said plot of land.

It was urged that without following due process, a portion of the land in question was being sought to be converted into a graveyard against which a representation was filed with the official respondents on which no action was being taken.

3. The Division Bench by virtue of judgment and order, dated 03.08.2021 noticed the provisions of Section 301 of the A.P Municipalities Act, 1965 [‘the Act’, for short], which specifically envisaged that no place for the disposal of the dead, whether public or private, would be opened, formed, constructed or used unless a licence has been obtained from the council on application. On receipt of the application, Section 301 envisaged that the council would cause a notice to be given inviting objections or suggestions from the public within a period of thirty days from the date of such notice, after considering which, the council would either grant or refuse licence or postpone the grant of licence.

It is in those circumstances that the PIL came to be disposed of giving liberty to the municipality to take necessary action on the representation made regarding the user of the land in question as burial ground by strictly adhering to the provisions of the Act. Till such time the representation was considered, it was further ordered that no burial activity would be carried out in the land proposed to be used as a burial ground.

4. Pursuant to the directions so issued, it appears from the record that the municipality issued proceedings, dated 28.11.2024 granting permission to an extent of one acre in RS.No.344/1,2,3,4,5,6 and R.S.No.501 situate in Gunupudi Revenue Village after a draft notice is stated to have been published calling for objections and suggestions from the general public.

The notice inviting objections is stated to have been published on 20.09.2024 on the Bhimavaram Municipality notice board, Tahsildar's office, notice board of the Revenue Divisional Office, District Collector, West Godavari and Sub-Registrar, Bhimavaram.

5. The stand of the official respondents is that the petitioner did not file any objections within prescribed 30 days time period and, therefore, in the absence of any objections to the said proposal, proceedings, dated 28.11.2024 were issued.

6. The aforementioned proceedings of November, 2024 came to be challenged by the petitioner in WP.No.4237 of 2025 which was finally

dismissed by the learned single Judge on the ground that the procedure as had been prescribed under Section 301 of the Act had been followed and that the petitioner had neither denied the issuance of the notices by the municipal council nor disputed the issuance thereof.

7. Although Section 301 of the Act prescribed a procedure to be followed for purposes of granting permission to use a particular parcel of land as a burial ground and while notices may have been issued and affixed/published on the notice board in the premises of the offices more elaborately discussed hereinabove, yet it can be noticed that the direction which was otherwise given in WP(PIL).No.79 of 2020 regarding consideration of the representation of the petitioner has not fully been complied with.

8. While we see no reason to set aside the proceedings, dated 28.11.2024 on account of the alleged failure of the municipal authorities inasmuch as we find that there is no such failure as has otherwise been alleged by the appellant herein, yet with a view to show compliance to the directions earlier passed by a Division Bench of this Court regarding consideration of the representation filed, we direct the municipal authorities to give a post decisional hearing to the petitioner and pass appropriate orders on the representation filed by the petitioner.

In case the representation is accepted, appropriate orders may be passed in regard to the said parcel of land afresh. In the alternative, if upon consideration of the representation the authorities feel that the representation

has no merit, then the decision already taken by virtue of the impugned proceedings, dated 28.11.2024 shall remain unaltered.

The petitioner's representation be considered within eight weeks from today. The petitioner shall be also provided an opportunity of being heard and shall appear before the Commissioner, Bhimavaram Municipality on 18.05.2026.

9. The Writ Appeal is accordingly disposed of. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

CHALLA GUNARANJAN, J

Vjl