

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

WEDNESDAY, THE SIXTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION NO: 9341 OF 2025



Between:

1. Ambaty Umasankara Prasad, S/o.late Jagannadha Rao, aged about 61 years, Both are residence of Plot No.38, Nurses Colony, DCCB Extension, Srikakulam,
2. Kenugatukara Bhagyalakshmi, Ambaty Umasankara Prasad, Aged about 60 years. Both are residents of Plot No.38, Nurses Colony, DCCB Extension, Srikakulam, Presently residing at 1-D, Prapthi Housing Cooperative Society (GIP Colony) Jagacha, Howrah, West Bengal.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Velagapudi, Amaravathi, Guntur Dist. A.P.,
2. The Srikakulam Municipal Corporation, Rep. by its Commissioner, Srikakulam, Srikakulam District.
3. The Director of Town and Country Planning, Mangalagiri, Guntur District.
4. Karri Venkata Satyanarayana Naidu, S/o.Mohana Naidu, aged about 56 years, R/o.D.No.2-1-15/2A, Government Hospital Junction, Palakonda Road, Srikakulam Town and District.
5. Sampathirao Narayana Rao, S/o.late Satyanarayana aged about 75 years, R/o.D.No.16-3-214, Near S.E.T College, Polytechnic College Road, Gujarathipeta, Srikakulam Town and District.

6. Sampathirao Eswara Surya Prabhakar, S/o.Narayana Rao, aged about 49 years R/o.D.No.39-22-18/5, Kalinga Nagar, Madhavadhra, Greater Visakhapatnam Visakhapatnam 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 Writ or order direction more particularly one in the nature of Writ of Mandamus declaring the in action of the 2nd respondent in not taking any steps to prevent the highhanded action of the respondents 4 to 6 in encroaching and raising illegal, unauthorized construction on the part of the existing 80 feet road in the approved layout in L.P.No.155/1988 situated in Old sy.No.347, 348/1 new sy.No.265/4, 5, 6 DCCB Colony Extension, Srikakulam inspite of written representation dt.03.04.2025 made by the petitioners is as illegal arbitrary and violation of Articles 14, 21, 300- A of Constitution of India and also contrary to provisions of A.P. Municipal Corporation Act, 1955 consequently direct the 2nd respondent to take action against the respondents 4 to 6 restraining them from encroaching into the existing 80 feet road and also prevent the illegal and unauthorized construction on the existing 80 feet road in the approved layout in L.P.No.155/1988 situated in Old sy.No.347, 348/1 new sy.No.265/4, 5, 6 DCCB Colony Extension, Srikakulam pursuant to the written representation dt.03.04.2025.

IA NO: 1 OF 2025

Petition under Section 151 of 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 direct the 2nd respondent to prevent/restrain the respondents 4 to 6 not to make any constructions on the existing '80' feet road in approved layout in L.P.No. 155/1988 situated in Old sy.No.347, 348/1 new sy.No.265/4, 5, 6 DCCB Colony Extension, Srikakulam pursuant to the written

representation dt.03.04.2025, Pending disposal of WP 9341 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 upon hearing the arguments of SRI S LAKSHMINARAYANA REDDY Advocate for the Petitioners, and of GP MUNICIPAL ADMN AND URBAN DEV, for the Respondent No.1, and of SRI M.KRISHNA RAO, Standing Counsel for the Respondent Nos.2 & 3, and of SRI P.V.RAGHU RAM, Advocate for the Respondent Nos.4 to 6, the Court made the following

ORDER:

Pursuant to the order of this Court on 10.04.2025, the learned Standing Counsel passed on the Written Instructions signed by the Commissioner, Srikakulam Municipal Corporation stating that the road in question is a 80 feet road as per DTCP Approved Layout LP No.155/88 and that the Respondent Nos. 4 to 6 had illegally constructed the compound wall. It was also stated that the Compound Wall was removed on 14.04.2025 under Section 452(2) and 461 (2) of APMC Act, 1955 strictly adhering to the rules.

Sri P.V. Raghu Ram, learned counsel appeared for Respondent Nos. 4 to 6 through virtual mode and submits that he has instructions to file Vakalat and Counter Affidavit in this case and sought time.

Since the road in question is a 80 feet road as per the official Respondents, Respondent Nos. 4 to 6 are restrained from making any construction on the 80 feet road identified by the Town Surveyor.

Post the matter after Summer Vacation, 2025.

Sd/-M.SURYANADHA REDDY
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur Dist. A.P., (by Special Messenger)
2. The Commissioner, Srikakulam Municipal Corporation, Srikakulam, Srikakulam District.
3. The Director of Town and Country Planning, Mangalagiri, Guntur District.
4. Karri Venkata Satyanarayana Naidu, S/o.Mohana Naidu, aged about 56 years, R/o.D.No.2-1-15/2A, Government Hospital Junction, Palakonda Road, Srikakulam Town and District.
5. Sampathirao Narayana Rao, S/o.late Satyanarayana aged about 75 years, R/o.D.No.16-3-214, Near S.E.T College, Polytechnic College Road, Gujarathipeta, Srikakulam Town and District.
6. Sampathirao Eswara Surya Prabhakar, S/o.Narayana Rao, aged about 49 years R/o.D.No.39-22-18/5, Kalinga Nagar, Madhavadhra, Greater Visakhapatnam Visakhapatnam District. (Addressees 2 to 6 by RPAD)
7. One CC to SRI. S LAKSHMINARAYANA REDDY, Advocate [OPUC]
8. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV, High Court of Andhra Pradesh. [OUT]
9. One CC to SRI M.KRISHNA RAO, Standing Counsel [OPUC]
10. One CC to SRI P.V.RAGHU RAM, Advocate [OPUC]
11. One spare copy

PSR

HIGH COURT

VN,J

DATED:16/04/2025

NOTE: POST THE MATTER AFTER SUMMER VACATION, 2025.

ORDER

WP.No.9341 of 2025

INTERIM DIRECTION

