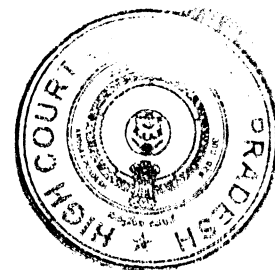


**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**  
**(SPECIAL ORIGINAL JURISDICTION)**  
 THURSDAY, THE TWENTY THIRD DAY OF JULY,  
 TWO THOUSAND AND TWENTY

:PRESENT:

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**  
**WRIT PETITION NO: 11974 OF 2020**



**Between:**

1. Thiriveedi Lakshmi Narayana, S/o T.Venkata Subbaiah, Hindu, Male, Aged about 50 years, Business, R/o. D.No.45-142-26-D-4, 1<sup>st</sup> Floor, Venkata Ramana Colony, Road No-8, Kurnool-518004, A.P.
2. A.Mymunisa, W/o Late Shaik Abdul Lateef, Muslim, female, Aged about 56 years, Lecturer R/o. D.No.49/50 A-87 F-5-4, Lakshmi Nagar Kurnool-518001, A.P.
3. S.Mahaboob Bee, W/o S.Mohammad Ismail Muslim, Female, aged about 56 years, House wife, R/o. D.No.49/50 A-87 F-5-4, Lakshmi Nagar Kurnool-518001, A.P.
4. R.Abdul Salam, S/o Late Mohammed Saheb Muslim, Male, aged about 67 years, House wife, R/o. H.No.21-220, Hyder Khan Street, Proddutur - 516360, Y.S.R. District.
5. Sirigiri Pedda Satyanarayana, S/o Sirigiri Somappa, Hindu, Male, aged about 65 years, Profession, Temple Poojari R/o. D.No.87/1109-16-E, Guru Datta Temple, Rampriya Nagar, Ganesh Nagar -2, Kurnool - 518002, A.P.
6. Golla Pullaiah, S/o G.Laxmaiah, Hindu, Male, Aged about 43 years, Profession. Real estate business R/o. H.No.87 - 1386, Seshari Nagar, Nandikotkur Road, Kurnool - 518002, A.P.
7. B. Venugopal, S/o Bathula kambaiah, Hindu, Male, Aged about 34 years, Profession. Finance Business, R/o. H.No.87/1109-16-G, Rampriya Nagar, Ganesh Nagar - 2, Kurnool -518002, A.P.
8. A. Ramudu, S/o A.Venkatappa, Hindu, Male, Aged about 53 years, Profession. Business R/o. H.No.3-2, Pratha Kota Village - 518412 Pagidyala Mandal, Nandikotur Taluk, Kurnool District, A.P.
9. Ediga Chandrasekhar, S/o Ediga Sheshanna, Hindu, Male, Aged about 41 years, Profession. Business R/o. H.No.87-1095 -A-1, Ganesh Nagar - 2, Opp. Jampala Apartment, Kurnool -518002, A.P.
10. Ediga Yathendra Goud, S/o Ediga Venkateswara Goud, Hindu, Male, Aged about 29 years, Lawyer, R/o. H.No.87-1095 -A -1, Ganesh Nagar-2, Opp. Jampala Apartment, Kurnool - 518002, A.P.
11. M. Madilleti Reddy, S/o Mudiya Chenchu Reddy, Hindu, Male, Aged about 49 years, Business, R/o. H.No.87/1065 -3, Ganesh Nagar-2, Kurnool - 518002, A.P.
12. P. Gangadhar Reddy, S/o. Panduga Chandra Sekhar Reddy, Hindu, Male, Aged about 44 years, Employee, R/o. H.No.87-1109 -6, Ganesh Nagar, Kurnool - 518002, A.P.
13. Nasepogu Sreeram Prasanna, S/o N. Hussainappa, Hindu, Male, aged about 44 years, Business, R/o.H.No.45-24-F-1-E -1, Ashok Nagar, Kurnool-518005. A.P.
14. N. Suvarna Rekha, W/o N. Sharath Babu, Hindu, Female, Aged about 41 years, House wife, R/o. do Y. Subhakar Reddy, H.No.87/111-1, Revenue Colony, Opp. Ramachandra Mission, Kurnool-518002, A.P.
15. Vemula Lakshmi Shoba Devi, W/o V. Rarnakrishnaiah, Hindu, Female, Aged about 49 years, House Wife, R/o.H.No.14/38, Konda peta, Banaganapalle, Kurnool District, A.P.
16. Jaripita Gyana Prasuna Vadde, W/o Narayana Vadde, Hindu, Female Age 27 years, House wife, R/o. H.No.87/1222 A, Nagireddy Revenue Colony, Kurnool-518002, A.P.
17. M. Sreenivasulu, S/o M.Subbanna, Hindu, Male, Aged about 41 years, Business, R/o.H.No.87-1108-rpn-24 B, Rampriya Nagar, Ganesh Nagar -2, Kurnool - 518002, A.P.
18. G. Padmaja, W/o G. Pullaiah, Hindu, Female, Aged about 40 years, House Wife, R/o. 87-1109-16-58, Ganesh Nagar -2, Kurnool - 518002, A.P.

19. B. Kambaiah, S/o B. Narasimhulu, Hindu, Male, Aged about 60 years, Retd. Teacher, R/o.H.No.87-1109-16-1G, Rampriya Nagar, Ganesh Nagar -2, Kurnool-518002, A.P.
20. Golla Sharada, W/o G. Govardhan, Hindu, Female, Aged about 35 years, Tailoring, R/o.Shop No.17, Monish Tailors, C. Camp Centre, Kurnool - 518002, A.P.
21. Yiskala Nagaraja Rao, S/o Y. Krishna Murthy, Hindu, Male, Aged about 47 years, Business, R/o.H.No.87/320, Madhava Nagar, Kurnool-518002, A.P.

...Petitioners

AND

1. The State of Andhra Pradesh, Rept., by Principal Secretary, Department of Revenue, A.P. Secretariat, Velagapudi, Guntur District -522503
2. The State of Andhra Pradesh, Rept., by Secretary to Government, Department of Municipal Administration and Urban Development, A.P. Secretariat, Velagapudi, Guntur District -522503.
3. The District Collector, Kurnool District, Kurnool,
4. The Commissioner, Kurnool Municipal Corporation, Kurnool, Andhra Pradesh.

...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 any writ, order or direction more particularly one in the nature of writ of mandamus or appropriate writ. I. to declare the action of the Respondent No.3 and 4 with their men high handedly without following due process of law trying to disposes all the petitioners from their respective plots purchased for valuable consideration which were laid in excess 5 percent open land situated in Sy.No.686/1 in approved lay out vide L.P.No.111/87 dt.23-02-1987 of Rampriaya Lay-out approved by the Kallur Gram Panchayat, Kurnool with further threatening to demolish the buildings already constructed by some of the petitioners in the said respective plots alleging that the said plots purchased by the petitioners is an open land of approved lay-out belongs to the Respondent No.4 meant for public purpose as per lay out sanctioned plan sanctioned by the Kallur Gram Panchayat, Kurnool though the petitioners said plots were not situated in the allotted required 5 percent open land situated in Sy.No.691/B and 691/A meant for public purpose which was already in the possession of respondent No.4 as illegal, arbitrary, unjust, violating the principles of natural justice, violating Rules issued under G.O.Ms.No.377, Panchayat Raj, 1972 and violating the Article 300A of the Constitution of India. II. further to declare that, the action of the respondent No.3 and 4 trying to dispossess all the petitioner from their respective plots when the Director of Town Planning and Country Planning, Andhra Pradesh vide its letter Noir.Rc.No.6442/2019, dated.5-12-2019 on the petitioners representation dated.13-11-2019 pending for consideration has informed to the petitioners that issue of the subject matter has been examined and sought for T.P. Staff remarks for taking further action in the matter for its consideration to de-reserve excess 5percent open space i.e., 1.42 situated in Sy.No.686/1 (which were already made plots and sold out in the year 1995) as illegal and arbitrary and Consequently. III. direct the respondent Nos 3 and 4, particularly respondent No.4 i.e., The Commissioner, Municipal Corporation, Kurnool, not to dispossess or interfere with the petitioners peaceful possession and enjoyment over the plots the petitioners are in possession purchased by them under registered sale deed laid in excess 5percent open land situated in Sy.No.686/1 shown in L.P.No.111/87 dt.23-02- 1987 of Rampriaya Lay-out approved by the Kallur Gram Panchayat, Kurnool without following due process of law like giving notice and opportunity of hearing before taking any adverse steps over our plots, further IV. to declare that the Respondents No.4 herein don't have any right over the remaining excess open land situated in Sy.No.686/1 in Ramapriya lay-out L.P.No.111/87 dt.23-02-1987 when the same was not acquired complying provisions of the Andhra Pradesh Town Planning Act, 1920.

**IA NO: 1 OF 2020**

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 issue a

direction to the Respondent No.3 & 4 particularly respondent No.4 i.e., Municipal Corporation, Kurnool neither dispossess the petitioner from their plots nor demolish the buildings already constructed by some of the petitioner in their respective plots laid in excess 5% of open space/land situated in Sy.No.686/1 in L.P.No.111/87 dt.23-02-1987 of Rampriaya Lay-out approved by Kallur, Gram Panchayat, Kurnool, pending disposal of WP 11974 of 2020, 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 Murali Lincoln, Advocate for the Petitioners and GP for Revenue for the Respondents, the Court made the following.

**ORDER:**

“Heard learned counsel for the petitioners and learned Assistant Government Pleader representing respondents 1 to 3 and Sri Kalva Suresh Kumar Reddy learned counsel, appearing for respondent No.4.

In the present writ petition the grievance of the petitioners is that the respondent Nos.3 and 4 are trying to dispossess the petitioners from their respective plots which were purchased for valuable consideration which are situate in Sy.No.686/1 in L.P.No.111/87, dated 23.02.1987 without following due process of law.

Learned counsel for the petitioners submits that the petitioners are purchased plots which are in excess 5% open land in the lay out approved by the Kallur Gram Panchayat, Kurnool District.

The learned counsel for the petitioner further submits that some of the petitioners have constructed buildings in the said plots. He further submits that petitioners made a representation to the Director of Town and Country Planning for de-reserving excess 5% open space which is situate in Sy.No.686/1 wherein the petitioners have purchased their plots and that pursuant to their representation, the Director of Town and Country Planning vide letter No.Lr.Rc.No.6442/2019, dated 05.12.2019, directed the petitioners to forward the proposal for de-reserving the excess 5% open space through Vice Chairman, Kurnool Urban Development Authority.

Learned counsel for the petitioners further submits that pursuant to the said letter, petitioners have submitted the proposals and that the same are under consideration. He further submits that though the matter is pending consideration, the respondents are trying to dispossess the petitioners from their plots and also taking steps to demolish the buildings, which were constructed by some of the petitioners in their respective plots.

The learned Assistant Government pleader seeks time to get instructions in the matter.

Sri K.Suresh Kumar Reddy, learned standing counsel also seeks time to get instructions in the matter.

List the mater after two (2) weeks.

However, keeping in view the submissions made by the learned counsel for the petitioners and as the issue appears to be pending consideration before the Director of Town and Country Planning, this Court is of the opinion that the interest of the petitioners requires to be protected.

Accordingly, there shall be an interim direction as prayed for, for a period of six (06) weeks.”

SD/- M Ramesh Babu  
ASSISTANT REGISTRAR

//TRUE COPY//

  
For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Department of Revenue, A.P. Secretariat, Velagapudi, Guntur District -522503
2. The Secretary to Government, Department of Municipal Administration and Urban Development, A.P. Secretariat, Velagapudi, Guntur District -522503.
3. The District Collector, Kurnool District, Kurnool,
4. The Commissioner, Kurnool Municipal Corporation, Kurnool, Andhra Pradesh.  
(Addresses 1 to 4 by RPAD)
5. One CC to Sri. Murali Lincoln, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
7. One spare copy

MM

HIGH COURT

NJSJ

DATED:23/07/2020

NOTE: LIST THE MATTER AFTER TWO WEEKS

ORDER

WP.No.11974 of 2020

DIRECTION

