



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

[3332]

**THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 9991/2026

Between:

1. Vaanga Joshna Devi, w/o G.Prakash Kumar, aged about 38 years, R/o. D.No.2-106/3-1-1, Pedapeta, Akividu, West Godavari District, Andhra Pradesh - 534235.
2. Pamu Kankshmi Likitha, D/o. Pamu Yesu Ratnam, aged about 26 years, R/o. D.No. 3-45/4(1), Pedapeta, Akividu, West Godavari District, Andhra Pradesh - 534235.
3. Manda Franchana, , W/O Kishore, Aged About 35 Years, D No 3- 170, Akividu, West Godavari District, Andhra Pradesh - 534235.

...PETITIONER(S)

AND

1. The State Of Andhra Pradesh, Rep By Its Principal Secretary, Department Of Municipal Administration And Urban Development, Ap Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh - 522503.
2. The Commissioner And Director Of Municipal Administration, Municipal Administration And Urban Development Department, Vaddeswaram, Andhra Pradesh - 522502.
3. The District Collector, West Godavari District, Andhra Pradesh - 534006.
4. The Akivedu Nagara Major Panchayeti, Rep By Its Commissioner, Akivedu, West Godavari Dist, Andhra Pradesh - 534235.

5.The Tahsildar, Akividu Mandal, West Godavari District, Andhra Pradesh - 534235.

6.Manikyala Rao, S/o Not Known, Aged 45 Years, Pedapeta, Akividu, West Godavari District, Andhra Pradesh - 534235.

...RESPONDENT(S):

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 a Writ Order or direction particularly, one in the nature of writ of Mandamus, declaring the inaction of the respondents no 1 to 5 in preventing the un-official respondents from construction of a religious building in the government land situated in Survey No 470-12 at SC Mala Peta, Akividu village, of Akiveedu West Godavari district being used as Racha Banda/public utility place situated at SC Mala Peta, Akividu village without prior permission from the competent authority, as contemplated in Sec 202, 203 and 209 of Andhra Pradesh Municipalities Act 1965 and Rule 26 of the A.P. Gram Panchayat Land Development (Layout and Building) Rules 2002, (for short , the layout and building Rules)as illegal, arbitrary, unconstitutional and violative of Articles 14 and 21 of the Constitution of India, and consequently direct the respondents authorities not to permit any religious construction in the government land situated in Survey No 470-12 at SC Mala Peta, Akividu village, of Akiveedu West Godavari being used as 'Racha Banda' Andhra Pradesh without obtaining requisite permissions from the competent authorities

IA NO: 1 OF 2026

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 permit any religious construction in the government land situated in Survey No 470-12 at SC Mala Peta, Akividu village, of Akiveedu West Godavari district and pass order or orders in accordance with law pending disposal of the above writ petition

IA NO: 2 OF 2026

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 May be pleased to implead the proposed petitioner no.4 as petitioner no.4 in W.P. No 9991 of 2026 and pass

Counsel for the Petitioner(S):

1.JADA SRAVAN KUMAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.SIREESHA RANI VALLABHANENI SC For MUNICIPALITIES

3.UMESH CHANDRA P V G

4.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following order:

The present writ petition is filed against the action of the respondents in not preventing the unofficial respondents from constructing a religious building in the government land situated at Sy.No.470-12 at SC Mala Peta, Akividu village, Akiveedu West Godavari district, which is being used as Racha Banda/public utility place, without prior permission from the competent authority.

2. Heard Sri Jada Sravan Kumar, learned counsel for the petitioners and Sri Y.V.Ravi Prasad, learned Senior counsel appearing for 6th respondent.

3. Learned counsel for the petitioners in elaboration to what has been stated in the affidavit contended that, without there being any permission as required under Section 202, 203 & 209 of A.P.Municipalities Act, 1965 & Rule 26 of the A.P.Gram Panchayat Land Development (Layout and Building) Rules, 2002, the un-official respondents are proceeding with the construction of temple that too, in the land classified as Government Land and fixed 'Bhoomi Pooja' on 03.05.2026. He further submitted that, if such a construction is proceeded further, it not only amounts to miscarriage of justice

but the rights of the villagers who are using the subject land as Rachabanda will be affected. In support of his contentions, he relied on the judgment of the Apex court in ***Union of India & anr Vs State of Gujarat & ors***¹ and prayed to pass appropriate orders in that regard.

4. On the other hand, Sri Y.V.Ravi Prasad, learned Senior counsel appearing for 6th respondent while relying on the material filed along with memo submitted that, the petitioners without even verifying with the authorities filed this writ petition, as if the unofficial respondents are proceeding with the construction without plan and moved the same by way of lunch motion. He further submitted that, in fact, the authorities, after verifying the entire material on record and duly taking note of the enquiry report, have found that the said temple is in existence since time immemorial, and now there is requisite permission to re-construct temple in that place and in view of the same, the petitioners cannot contend that the said temple is being constructed without plan. He further submitted that, in fact the land is classified as temple land as per the revenue records, as such, the petitioners cannot say that it is a Government land.

5. At this juncture, learned counsel for the petitioners sought permission of this court to withdraw the Writ Petition with a liberty to file fresh writ petition questioning the said plan.

¹ (2011) 14 SCC 62

6. Recording the same, the Writ Petition is ***dismissed as withdrawn*** with a liberty to file fresh writ petition in accordance with law. No costs.

Miscellaneous applications, pending if any, shall stand closed.

BRS

JUSTICE RAVI CHEEMALAPATI