

[3328]

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

MONDAY, THE TWENTIETH DAY OF APRIL, /
TWO THOUSAND AND TWENTY SIX /



:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD /

WRIT PETITION NO: 10330 OF 2026 /

Between:

Modugula Venugopala Reddy, S/o. Late Papi Reddy, aged about 59 years, Occ: Business, R/o. Door No. 3-1-268, Brundavan Gardens, Guntur, Guntur District, Andhra Pradesh - 522006,

Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Velagapudi, Amaravati - 522238.
2. The Guntur Municipal Corporation, Represented by Commissioner Guntur - 522003.
3. The Commissioner, The Guntur Municipal Corporation, Guntur - 522003.
4. The Capital Region Development Authority, Represented its Commissioner, Rayapudi, Amaravati, Guntur Dist., Guntur - 522237 /

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 an appropriate writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS, declaring the impugned action of road widen programme effecting the petitioners property

D.No.3-1-268 (D.No.29 of Nallapadu) situated at Brindavan Gardens, Guntur by the 2nd respondent as illegal, arbitrary, without jurisdiction and violative of Section 146 of the A.P. Municipal Corporations Act, 1955, G.O.Ms.No.688 and G.O.Ms.No.119 MA and UD, the provisions of the LARR Act, 2013 and Articles 14, 19(1)(g), 21 and 300-A of the Constitution of India, and consequently direct the respondents not to take any coercive action including demolition or dispossession of the petitioner's property pursuant to the impugned action without following due process of; ✓

IA NO: 1 OF 2026

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 stay of all further proceedings pursuant to the impugned action of road widening including demolition or dispossession of the petitioner's property D.No.3-1-268 (D.No.29 of Nallapadu) situated at Brindavan Gardens, Guntur; ✓

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. ANCHA PANDURANGA RAO, Advocate for the Petitioner and of GP FOR MUNICIPAL ADMN & URBAN DEV for the Respondent No.1 and of Sri. A.S.C. BOSE, STANDING COUNSEL, for the Respondent Nos.2 & 3;

The Court made the following ORDER:

Heard Sri Ancha Panduranga Rao, learned Counsel for the Writ Petitioner and Sri Harsha S Ammineni, learned Counsel representing Sri A.S.C. Bose, learned Standing Counsel for Municipal Corporation ✓

2. When this Writ Petition was listed on the last occasion i.e., on 17.04.2026, learned Counsel for the Respondents has passed across the table an Affidavit titled "*Notarized Undertaking to be executed on Rs.100/- Non-Judicial Stamp Paper*" dated 12.03.2019, submitted by the

Writ Petitioner, in order to regularize the alleged illegal construction under Building Penalization Scheme - 2019 (hereinafter referred to as 'BPS - 2019').

3. Para 3 of the Affidavit filed in support of the Writ Petition would also indicate that the then illegal construction of the Petitioner's building was regularized under BPS 2019 *vide* Proceedings No. BPS2019/GUN/MO/6/07482 dated 04.09.2019.

4. On perusal of the Notarised Undertaking filed by the Writ Petitioner on 12.03.2019, it emerges that the Writ Petitioner undertook not to claim compensation or damages for any loss that may be caused during road widening, as a condition for Regularization of the alleged illegal construction under BPS-2019.

5. Learned Counsel for the Writ Petitioner would submit that although the Notarised Undertaking dated 12.03.2019 has not been specifically disclosed by the Writ Petitioner, in Para 3 of the Affidavit filed in support of the Writ Petition, the Writ Petitioner has stated about BPS - 2019. He would therefore submit that the Undertaking given on 12.03.2019 is part and parcel of the BPS - 2019 and, therefore, the Writ Petitioner did not conceal any material fact or document.

6. Admittedly, the Writ Petitioner has received the benefit of regularization of the alleged illegal construction under BPS 2019 *vide* Proceedings No.BPS2019/GUN/MO/6/07482 dated 04.09.2019, only after furnishing the undertaking dated 12.03.2019. This would indicate that he had already availed benefit of regularization under the BPS 2019 Scheme as an exchange for the 'Undertaking' dated 12.03.2019.

7. In this view of the matter, *prima facie*, this Court is of the view that the Petitioner is neither entitled to any compensation nor is he entitled to Interim Protection, because the Writ Petitioner had already availed the benefit of regularization in lieu of future compensation.

8. Let Counter Affidavit be filed within four weeks. Two weeks thereafter for filing Re-joinder.

9. It is clarified that the Respondent Authorities shall proceed with the road widening process in accordance with law and in terms of the '*prima facie*' finding recorded hereinabove.

10. List on 06.07.2026.

//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR
MS
SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, The State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati - 522238. (by SPECIAL MESSENGER)
2. The Commissioner, The Guntur Municipal Corporation, Guntur - 522003.
3. The Commissioner, The Guntur Municipal Corporation, Guntur - 522003.
4. The Commissioner, The Capital Region Development Authority, Rayapudi, Amaravati, Guntur Dist., Guntur - 522237 (Addressee Nos. 2 to 4 BY RPAD)
5. One CC to Sri. ANCHA PANDURANGA RAO, Advocate [OPUC]
6. One CC to Sri. A.S.C. BOSE, STANDING COUNSEL [OPUC]
7. Two CCs to GP FOR MUNICIPAL ADMN & URBAN DEV, High Court Of Andhra Pradesh. [OUT]
8. One spare copy

JSS

HIGH COURT

GRKP, J

DATED:20/04/2026

LIST ON 06.07.2026.

ORDER

WP.No.10330 of 2026



DIRECTION