

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
MONDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION NO: 10569 OF 2025

Between:

1. M/s. HRR Constructions Private Limited,
Bangalore, represented by its Managing Director,
Sri H.N. Raghavendra s/o Late Sri H.B. Narayana-
swamy,
2. M/s. Ramshil Constructions Private Limited,
Bangalore, represented by its Director, Sri H.N.
Raghavendra s/o Late Sri H.B.Narayanaswamy,
3. M/s. Shimani Constructions Private Limited,
Bangalore, represented by its Director, Sri H.N.
Raghavendra s/o Late Sri H.B.Narayanaswamy,
Hindu, aged about 65 years.
4. M/s. Fineshine Developers Private Limited,
Bangalore, represented by its Director, Sri H.N.
Raghavendra s/o Late Sri H.B.Narayanaswamy,
5. M/s. H.R.S Constructions Private Limited, Bangalore,
represented by its Director, Sri H.N.Raghavendra s/o
Late Sri H.B.Narayanaswamy,
6. M/s. Aniragh Constructions Private Limited,
Bangalore, represented by its Director, Sri
H.N.Raghavendra s/o Late Sri H.B.Narayanaswamy,
7. M/s. H.B.J. Constructions Private Limited,
Bangalore, represented by its Director, Sri H.N.
Raghavendra s/o Late Sri H.B.Narayanaswamy,
8. M/s. Soudamani Constructions Private Limited,
Bangalore, represented by its Director, Sri H.N.
Raghavendra, s/o Late Sri H.B.Narayanaswamy,
9. M/s. Jaishil Constructions Private Limited,
Bangalore, represented by its Director, Sri H.N.
Raghavendra s/o Late Sri H.B.Narayanaswamy,
10. M/s. H.N.P Constructions Private Limited, Bangalore,
represented by its Director, Sri H.N.Raghavendra s/o
Late Sri H.B.Narayanaswamy,



(4)

11. M/s. Seema Constructions Private Limited,
Bangalore, represented by its Director, Sri H.N.
Raghavendra s/o Late Sri H.B.Narayanaswamy,

12. M/s. Tyagaraj Constructions Private Limited,
Vijayawada, represented by its Director, Sri.H.Ratnakar
Tyagaraj,

13. M/s. Janet Property Developers Private
Limited, Vijayawada, represented
by its Director, Smt. J. MaliniTyagaraj,

14. M/s. Sunita Estate Private Limited, Vijayawada,
represented by its Director, Sri. T C Karunakar,

15. M/s. Jyotshna Estates Private Limited, Vijayawada,
represented by its Director, Smt. Jyotshna Christiana,

16. M/s. Christiana Constructions Private Limited,
Vijayawada, represented by its Director, Smt.
Jyotshna Christiana,

17. M/s. Dinakar Constructions Private Limited,
Vijayawada, represented by its Director, Sri. Dinakar
Tyagaraj,

18. M/s. Chintakunta Constructions Private Limited,
Vijayawada, represented by its Director, Sri. Ch.Madhu-
sudana Rao,

(All the above Petitioners Companies
Registered under the Indian Companies Act 1956 and
represented by their General Power of Attorney holder,
Dinakar Thyagaraj, s/o. H.R. Thyagaraj, aged 50 years,
resident of # 7-237, Plot No 39, KCP Colony, Kanuru,
Penamaluru Mandal, Krishna District.)

..Petitioner/s

AND

1. The State of Andhra Pradesh, repled., by the Principal
Secretary, Municipal Administration & Urban Develop-
ment, AP Secretariat, Velagapudi, Amaravati, Guntur Dist.

2. The Greater Visakhapatnam Municipal Corporation
repled., by its Commissioner, having Office at Tenneti
Bhavan, Asilmetta Junction, Visakhapatnam.

..Respondent/s

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 order, direction or a writ, more particularly one in the nature of a Writ of Mandamus, declaring the 2nd respondent's Endorsement dated 01/04/2025 in BA No. 1086/3302/B/Z3/KTA/2021 thereby refusing to take up the applications of post verification of Plans submitted by the petitioner, unless the alleged short falls are complied with as illegal, oppressive, vindictive, motivated and a mere colourable exercise of power, since all the short falls pointed out were duly complied as being violative of the principles of natural justice and contrary to the provisions of the Andhra Pradesh Municipal Corporation Act 1955 and also being contrary to the law laid down by this honourable court through various judgments as reported as T Rameshwar's case (2006 (3) ALD 337), Mirza Khusru Ali Baig(2013 (2) ALD 785), Hyderabad. Potterries Pvt. Limited (2001 (3) ALT 200) and consequently direct the 2nd respondent to complete the post verification and issue the final approval of the revised plan in BA No. 1086/3302/B/Z3/KTA/2021 dated 30/04/2023 within such earliest time that the honourable court deems fit and proper to stipulate .

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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 direct the 2nd respondent not to object or obstruct the construction activity that is being carried on in accordance with the sanctioned plans and pass, Pending disposal of WP 10569 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 PILLIX LAW FIRM Advocate for the Petitioners and of GP MUNICIPAL ADMN AND URBAN DEV AP for the Respondent No.1, Sri A S C BOSE, Standing

Counsel for Respondent No.2, and the Court made the following. the Court made the following.

ORDER

“The present Writ Petition is filed questioning the Endorsement dated 01.04.2025 in BA No.1086/3302/B/Z3/KTA/2021 issued by the Respondent No.2, as illegal and arbitrary.

Sri K.S. Murthy, learned Senior Counsel appearing for the Petitioners submits that a building plan was sanctioned on 07.08.2021 by the Respondent No.2 and subsequently the plan was revised vide Proceedings dated 30.04.2025. Subsequently, on 30.05.2024 and 13.08.2024 shortfall notices were issued.

The learned Senior Counsel further submits that the shortfalls pointed out in both the notices have been complied with. As no orders were being passed in spite of compliance by the Petitioners, they had filed W.P.No.28934 of 2024 before this Court. The said Writ Petition was said to have been disposed of with a direction to the Respondent No.2 to consider the representations of the Petitioners and pass appropriate orders vide Order dated 02.01.2025. Pursuant thereto, the impugned order was passed, wherein the Respondent No.2 had referred aspects, which are not specified in the shortfall notices referred above.

In the impugned order it is also mentioned that post verification of the building plan in favour of the Petitioners would be taken up on merits only after the Petitioners submit explanation through online APDPMS portal duly complying with all the shortfalls noticed as well as other endorsements by the GVMC from time to time.

The learned Senior Counsel appearing for the Petitioners submits that the impugned order is to the extent of stating that the post verification of the building plan is only after taking the shortfalls mentioned in the notices referred above as well as other notices issued by the GVMC from time to time and gives scope to the Respondent-Corporation to dodge and delay the reasons for doing post verification.

Sri P. Patanjali, learned counsel appearing for the proposed Respondent No.3 pointed out that the property in question is the subject matter of W.A.No.977 of 2024 and A.S.No.132 of 2017 and batch, wherein interim orders were passed by this Court restraining both the parties to maintain status quo and in that context, shortfall in building permission, which is sought by the Petitioners, is not warranted.

The learned Senior Counsel appearing for the Petitioners opposes the implead application and contends that Counter Affidavit would be filed thereto.

Having heard the respective counsels, this Court is of the opinion that the Respondent authorities cannot be permitted to keep the shortfalls/open ended. The Respondent authorities are obligated to specify the shortfalls as on date, so that the Petitioners know where they stand and can comply with the same to proceed with construction subject to the orders to be passed in W.A.No.977 of 2014 and A.S.No.132 of 2017 and batch.

Therefore, there shall be interim direction to the Respondent No.2- Corporation to specify the shortfalls as on date within a period of four (4) weeks from today. It is clarified that this order is not to be construed as permitting the Petitioners to proceed with construction activity.

Post the matter on 27.06.2025.”

Sd/- B CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, The State of Andhra Pradesh, Municipal Administration Department, Secretariat, Velagapudi, Amaravati, Guntur District.(by SPECIAL MESSENGER)
2. The Commissioner, Greater Visakhapatnam Municipal Corporation, having Office at Tenneti Bhavan, Asilmetta Junction, Visakhapatnam. (by RPAD)
3. One CC to SRI. PILLIX LAW FIRM Advocate [OPUC]

4. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV AP ,High Court Of Andhra Pradesh. [OUT]
5. One CC to SRI. A S C BOSE, Standing counsel [OPUC]
6. **One spare copy**

HIGH COURT

VN,J

DATED:05/05/2025

POST ON 27.06.2025

ORDER

WP.No.10569 of 2025

DIRECTION

