

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 12808 OF 2026



Between:

1. Dara Soundarya, W/o.Sravan, aged about 28 years, R/o. 4-9-456, Kamatiharijanawada Near Himalaya school, Nawabpet, Nellore District, Andhra Pradesh- 524002.
2. Damavarapu Dasu, S/o. Swamy Dasu, aged about 61 years, R/o. 4/4/2, (Old House No.4-9-428) Kamati harijanawada, Nawabpeta, Nellore District, Andhra Pradesh- 524002.
3. Bandela Anuradamma, . W/o. Late Jacobu, aged about 63 years, R/o. 4-1-24, (Old House No.4/23) Kamatiharijanawada, Nawabpet, Nellore District, Andhra Pradesh- 524002.
4. Dhana Prasanamma, W/o Late Rangaiaha, aged about 58 years, R/o. 4-9-426, Kamatiharijanawada, Nawabpet, Nellore District, Andhra pradesh- 524002.
5. Damavarapu Arogyaswamy, S/O Late James, aged about 49 years, R/o.4-94-27, (Old House No.4/5) Kamatiharijanawada, Nawabpet, Nellore District, Andhra Pradesh- 524002.
6. Rayapu Adam, S/o Late Ramaiah, aged about 41 years, R/o. 4-9-410, (Old House No.4/36/H) Kamatiharijanawada, Nawabpet, Nellore District, Andhra Pradesh- 524002.

Petitioners

AND

1. The State of Andhra Pradesh, Rep., by its Principal Secretary, Municipal Administration department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Municipal Corporation of Nellore, Rep. by its Commissioner, Nellore, SPSR Nellore District.
3. The Superintendent of Engineer, Irrigation Circle, Ramalingapuram, Nellore, SPSR Nellore District.
4. The Junior Engineer, Nellore Central Division, Irrigation Circle, Ramalingapuram, Nellore, SPSR Nellore District.
5. The Assistant City Planner, Municipal Corporation of Nellore SPSR Nellore District.
6. The Ward Secretary, 8th Ward, Municipal Corporation of Nellore SPSR Nellore District.
7. The Station House Officer, Nawabpet Police Station, Nellore City, SPSR Nellore District.

Respondents

WHEREAS the Petitioners above named through their Advocate Sri Madhava Rao Nalluri presented this 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 an order, direction or writ, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in issuing the impugned order vide Roc.No.01/Encroachment Notice/NMC/WPRS-25/2026, dated 04.04.2026, directing the petitioners to remove the alleged encroachments within 7 days, in respect of the residential houses situated at 1) Door No.4-9-456, 2) Door No.4/4/2, 3) Door No.4-1-24, 4) Door No.4-9-426, 5) Door No.4-9-427 and 6) Door No.4-9-410, all situated at Kamati Harijanawada, Nawabpet, SPSR Nellore District, as illegal, arbitrary, without proper consideration of their explanation and against the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consequently direct the respondents not to

further demolish or interfere with the possession and enjoyment of the petitioners residential houses, situated in 1) Door No.4-9-456, 2) Door No. 4/4/2, 3) Door No. 4-1-24, 4) Door No. 4-9-426, 5) Door No. 4-94- 427 and 6) Door No. 4-9-410, respectively, Kamati Harijanawada, Nawabpet, SPSR Nellore District

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Madhava Rao Nalluri Advocate for the Petitioners, GP For Municipality for the Respondent No.1, Sri A.S.C. Bose, Standing Counsel for the Respondents No.2, 5 & 6, GP For Irrigation for the Respondent No.3 and of GP For Home for the Respondent No.7 directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Municipal Administration department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh.
2. The Commissioner, Municipal Corporation of Nellore, Nellore, SPSR Nellore District.
3. The Superintendent of Engineer, Irrigation Circle, Ramalingapuram, Nellore, SPSR Nellore District.
4. The Junior Engineer, Nellore Central Division, Irrigation Circle, Ramalingapuram, Nellore, SPSR Nellore District.
5. The Assistant City Planner, Municipal Corporation of Nellore SPSR Nellore District.
6. The Ward Secretary, 8th Ward, Municipal Corporation of Nellore SPSR Nellore District.
7. The Station House Officer, Nawabpet Police Station, Nellore City, SPSR Nellore District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this **WRIT PETITION**

should not be admitted on or before 03.07.2026 to which date the case stands posted for hearing.

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 2nd Respondents not to demolish the Petitioners' houses situated in 1) Door No.4-9-456, 2) Door No. 4/4/2, 3) Door No. 4-1-24, 4) Door No. 4-9-426, 5) Door No. 4-94-427 and 6) Door No. 4-9-410, respectively, Kamati Harijanawada, Nawabpet, SPSR Nellore District, Pending disposal of WP No.12808 of 2026, on the file of the High Court.

The Court made the following: ORDER

"Notice before admission.

Learned Government Pleader for Municipality takes notice for respondent no.1.

Sri A.S.C.Bose, learned Standing Counsel takes notice for respondent nos.2, 5 and 6.

Learned Government Pleader for Irrigation takes notice for respondent nos.3 & 4.

Learned Government Pleader for Home takes notice for respondent no.7.

Learned counsel for the petitioners submitted that without properly considering the explanation submitted by the petitioners to the show-cause-notices dated 16.03.2026 issued to them and without answering the issues raised by the petitioners therein, the respondent authorities issued the impugned order dated 04.04.2026, in utter violation of principles of natural justice, directing the petitioners to remove their houses within seven (07) days failing which the respondent authorities would remove the houses. Unless restrained the respondents may carry out the mandate contained in the impugned notice, in which eventuality the petitioners would be put to great loss and hardship.

In view of the above submissions, the petitioners could make out a prima facie point for consideration in this writ petition, which requires considerable time and in the meantime if the authorities demolish the houses as apprehended by the petitioners, they would be rendered shelterless and hence this Court is inclined to pass the following order:

"The respondent authorities shall not take any coercive steps in respect of the subject houses of the petitioners bearing Door No.4-9-456, Door No.4/4/2, Door No.4-1-24, Door No.4-9-426, Door No.4-94-427 and Door No.4-9-410, Kamati Harijanawada, Nawabpeta, SPSR Nellore, till the next date of hearing.

Post on 03.07.2026 in motion list. In the meantime, counters, if any."

SD/-K.V.RAGHAVULU
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh. (By Special Messenger - along with a copy of petition and affidavit)
2. The Commissioner, Municipal Corporation of Nellore, Nellore, SPSR Nellore District.
3. The Superintendent of Engineer, Irrigation Circle, Ramalingapuram, Nellore, SPSR Nellore District.
4. The Junior Engineer, Nellore Central Division, Irrigation Circle, Ramalingapuram, Nellore, SPSR Nellore District.
5. The Assistant City Planner, Municipal Corporation of Nellore SPSR Nellore District.

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6. The Ward Secretary, 8th Ward, Municipal Corporation of Nellore SPSR Nellore District.
 7. The Station House Officer, Nawabpet Police Station, Nellore City, SPSR Nellore District. (Addressee Nos.2 to 7 By RPAD- along with a copy of petition and affidavit)
 8. One CC to Sri Madhava Rao Nalluri Advocate [OPUC]
 9. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV AP, High Court of Andhra Pradesh. [OUT]
 10. One spare copy

HIGH COURT

RC,J

DATED:01/05/2026

NOTICE BEFORE ADMISSION

POST ON 03.07.2026 IN MOTION LIST

WP.No.12808 of 2026

DIRECTION

