

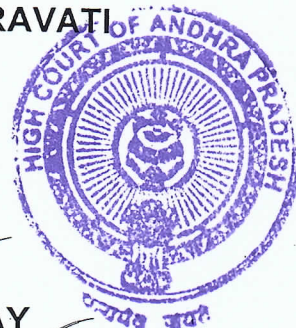
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE NINETH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 12817 OF 2025



Between:

1. Moyilla Joseph Suresh Reddy, S/o Malla Reddy, aged about 55 years.
 2. Ankireddy Gowri, W/o M. Joseph Suresh Reddy, aged about 45 years.
- Both are R/o D.No.26-13-473, Siddhartha School Street,
Bhaktavatslana Nagar, Nellore, SPSR Nellore District.

...Petitioners

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Director of Town and Country Planning, Government of Andhra Pradesh, Mangalagiri, Guntur District.
3. Nellore Municipal Corporation, rep. by its Commissioner, Nellore, SPSR Nellore District.
4. The District Collector, SPSR Nellore District at Nellore.

...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 declaring the action of the 3rd respondent and its officials in threatening to dispossess the petitioners from the house plots bearing Plot Nos.303 and 308 (each admeasuring 33 akanams or 266.66 sq.yards) situate in the layout bearing R.P.No.6/1970, Sy.No.93/2 Vedayapalem Village,

Nellore Municipal Corporation limits, SPSR Nellore District and to demolish the compound wall constructed therein, without following due process of law as Illegal, arbitrary, violation of principles of natural justice and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the 3rd respondent not to dispossess the petitioners from the above land and not to demolish the compound wall constructed therein.

IA NO: 1 OF 2025

Petition under Section 151 of 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 3rd respondent not to demolish the compound wall constructed around Plot Nos.303 and 308 (each admeasuring 33 ankanams or 266.66 sq.yards) situate in the layout bearing R.P.No.6/1970, Sy.No.93/2, Vedayapalem Village, Nellore Municipal Corporation limits, SPSR Nellore District, Pending disposal of WP 12817 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 KOCHIRI RAJA SHEKAR Advocate for the Petitioners, and of GP MUNICIPAL ADMN AND URBAN DEV, for the Respondent Nos.1 & 2, and of SRI ASC BOSE, Standing Counsel for the Respondent No.3, and of GP FOR REVENUE, for the Respondent No.4, the Court made the following

ORDER:

The present writ petition is filed questioning the action of the 3rd respondent and its officials in threatening to dispossess the petitioners from the house plots bearing Nos.303 and 308 situated in the layout

bearing R.P.No.6/1970, Sy.No.93/2, Vedayapalem Village, Nellore Municipal Corporation, as illegal and arbitrary.

The petitioners' claims to have purchased the scheduled properties under two separate registered sale deeds dated 11.04.2022 in favour of petitioner Nos.1 and 2 respectively. While so, it is further stated that when the respondent Municipal Corporation and others tried to interfere with the Plot No.307, the petitioners filed a suit O.S.No.182 of 1999 on the file of I Additional Junior Civil Judge, Nellore seeking permanent injunction and the same was decreed vide judgment and decree dated 27.09.2004.

Learned counsel for the petitioners submits that the land in dispute is an open space, photographs are filed along with the writ petition and submits that there is a threat of disposition by the respondent authorities, the present writ petition is filed.

Learned Standing counsel on instructions submits that the property in question was part of layout bearing No.95/1991 dated 31.05.1991 and as per the said layout the plots in question is an open space.

In view of the above submissions, this Court is of the opinion as factual dispute with regards to the title, it is appropriate for the petitioners to approach the respondent authorities to explain for issuance of title and the judgment and decree with reference to Plot No.307. In that view, the following interim order is passed:

The petitioners shall submit a representation to the respondent authorities within a period of three (03) weeks from today along with the documents explaining the right and title over the scheduled property. On receipt of such representation, the respondent authorities is directed to examine the same with reference to the layout bearing No.95/1991 dated 31.05.1991 and pass appropriate orders after hearing the petitioners.

Post the matter on 08.07.2025.

In the meantime, all the parties are directed to maintain *Status-quo* obtaining as on date.

SD/-SK MD RAFI
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

For

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District. **(by Special Messenger)**
2. The Director of Town and Country Planning, Government of Andhra Pradesh, Mangalagiri, Guntur District.
3. The Commissioner, Nellore Municipal Corporation, Nellore, SPSR Nellore District.
4. The District Collector, SPSR Nellore District at Nellore. **(Addressees 2 to 4 by RPAD)**
5. One CC to SRI. KOCHIRI RAJA SHEKAR Advocate [OPUC]
6. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV, High Court of Andhra Pradesh. [OUT]
7. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh [OUT]
8. One CC to SRI ASC BOSE, Standing Counsel [OPUC]
9. **One spare copy**

PSR

HIGH COURT

VN,J

DATED:09/05/2025

NOTE: Post the matter on 08.07.2025.

ORDER

WP.No.12817 of 2025

STATUS QUO

