

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

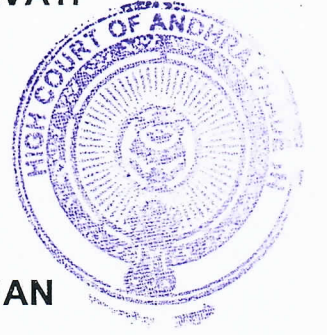
THURSDAY, THE FIFTEENTH DAY OF MAY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 13540 OF 2025



Between:

Heerapuram Fayaz Basha, S/o. Heerapuram Nazar Saheb, Aged about 49 years, R/o.D.No.11-244, Nasuruddin Veedhi, Tadipatri, Ananthapuramu District

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, A.P. Secretariat at Velagapudi, Amaravathi, Guntur District
2. Tadipatri Municipality, Rep. by its Commissioner, Tadipatri, Ananthapuramu District,
3. Tadipatri Municipality, Rep. by its Chairperson, Tadipatri, Anantapuramu District
4. The Tahsildar, Tadipatri Mandal, Anantapuramu District
5. J.C.Prabhakar Reddy, S/o. J.C.Nagi Reddy, Aged about 74 years, Occ Municipal Chairperson, R/o. 15/1256, Sanjeevanagar, Tadapatri, Anantapuramu District.

...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 mostly one which is in the nature of a Writ of Mandamus declaring the action of the Respondents in respect of property bearing Door No.11-244 admeasruing Ac.0.11 cents in Sy. No.551 of Tadipatri Town and Mandal, Anantapuramu

District belonging to the Petitioner by issuance of frequent notices for causing demolition including the Notice of the 4th Respondent in Rc.No.209/A/2025, dt.12.05.2025 as illegal, irregular, arbitrary, unreasonable, unwarranted, unconstitutional, unjustified and contrary to established principles of law and unsustainable and set aside the same.

IA NO: 1 OF 2025

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 of the Respondents relating to property in D.No.11-244 admeasruing Ac.0.11 cents in Sy.No.551 of Tadipatri Town and Mandal, Anantapuramu District in pursuance of notice of the 4th Respondent in Rc.No.209/A/2025, dt. 12.05.2025, Pending disposal of WP 13540 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 P.Veera Reddy, learned Senior Counsel representing SRI. SODUM ANVESH, Advocate appearing for the petitioner, Government Pleader for Municipal Administration for 1st respondent; Sri Gudapati Lakshmi Narayana, learned Standing Counsel for respondents 2 and 3, and learned Government Pleader for Revenue for 4th respondent, the Court made the following

ORDER:

“Learned Government Pleader for Municipal Administration takes notice for 1st respondent; Sri Gudapati Lakshmi Narayana, learned Standing Counsel takes notice for respondents 2 and 3 and learned Government Pleader for Revenue takes notice for 4th respondent.

Sri P.Veera Reddy, learned Senior Counsel appearing for the petitioner submits that when the appeal preferred by the petitioner before the 3rd respondent is pending consideration, now by impugned notice dated 12.05.2025, the 4th respondent has proposed to visit the petitioner’s building for the purpose of gathering fresh material and it is

stated that based on such information, the appeal is proposed to be disposed of, contrary to the provisions of A.P. Municipalities Act.

Learned Standing Counsel placed on record written instructions stating that in pursuance of the council resolution, dated 27.03.2025, a nine member committee has been constituted, for it to decide the appeal in effective manner, so the said committee has proposed to visit the petitioner's building to ascertain whether there are any deviations or not.

Having considered aforesaid submissions, this Court finds that as pending appeal preferred by the petitioner before the 3rd respondent, the exercise of issuing notice, dated 12.05.2025 proposing to visit petitioner's premises for ascertaining deviations and submitting report to the municipal council for disposal of the appeal, would affect the rights of the petitioner, therefore, to balance the interest of the parties, in case any such report is made, the petitioner shall be provided with a copy of the said report for rebutting the observations or findings made therein before the appeal is decided by the municipal council and till such exercise is completed, the respondents are directed not to take any coercive action against the petitioner's structures.

Let the counter be filed within four (4) weeks and reply within two (2) weeks thereafter.

List along with W.P.No.8938 of 2025."

Sd/- M. SURYANATHA REDDY
DEPUTY REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Andhra Pradesh, A.P. Secretariat at Velagapudi, Amaravathi, Guntur District.

2. The Commissioner, Tadipatri Municipality, Tadipatri, Ananthapuramu District.
3. The Chairperson, Tadipatri Municipality, Tadipatri, Anantapuramu District.
4. The Tahsildar, Tadipatri Mandal, Anantapuramu District
5. J.C.Prabhakar Reddy, S/o. J.C.Nagi Reddy, Aged about 74 years, Occ Municipal Chairperson, R/o.15/1256, Sanjeevanagar, Tadapatri, Anantapuramu District. **(Addresses 1 to 5 by RPAD)**
6. One CC to SRI. SODUM ANVESHA, Advocate [OPUC]
7. Two CCs to GP FOR MUNICIPAL ADMINISTRATION, High Court of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
9. One CC to SRI GUDAPATI LAKSHMI NARAYANA, STANDING COUNSEL, High Court of Andhra Pradesh [OPUC]
10. **One spare copy**

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HIGH COURT

CGR,J

DATED:15/05/2025

LIST ALONG WITH W.P.NO.8938 OF 2025

ORDER

WP.No.13540 of 2025

DIRECTION

