

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: W.P.No.15353 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
3.	27.06.2025	<u>VN,J</u> The present Writ Petition is filed questioning the action of the Respondent No.2 in constructing a compound wall around the plots of the petitioners bearing Nos. 361-A, 361-B, 357-B, 357-C as illegal and arbitrary. Learned counsel for the Petitioners would submit that the subject property i.e Plot Nos.361-A, 361-B, 357-B, 357-C was purchased by the Writ Petitioners under various Registered Sale Deeds dated 16.12.2004, 26.02.2005, 05.11.2014 and 26.02.2018 respectively. The said plots forms part of the lay-out plan approved by the then Vedayapalem Gram Panchayat vide P.R.No.6, dated 02.10.1970. It is also mentioned that a civil suit in O.S.No.909 of 1998 on the file of III Additional District Judge, Nellore was filed in between third parties in which the lay-out approved by the Gram Panchayat vide P.R.No. 6, dated 02.10.1970 was observed to be genuine. It is also contended that in W.P.Nos.12817 and 12889 of 2025 filed by other purchasers questioning the action of the Respondent authorities in trying to dispossess	

		them from the subject property therein with regard to very same lay-out, this Court had passed detailed interim order dated 09.05.2025 and 07.05.2025 directing the Respondent No.2/ Commissioner to consider the objections of the Petitioners. Pursuant thereof, it is submitted that a detailed order was passed by the Commissioner, Nellore Municipal Corporation on 17.06.2025 vide order in Roc.No. 3092/1988/G1, wherein it was mentioned that the plot numbers in L.P.No.95/1991 and plot numbers on ground are varying and majority of the registrations were continued to be executed as per layout plan copy vide P.R.No.6, dated 02.10.1970. In the present case, the Petitioners also purchased the properties in very same lay-out. Learned Standing Counsel for the Respondents, on instructions, submits that the land on which the compound wall is being constructed is a open space as per L.P.No.95/91 and therefore, the action of the Respondents/ Municipal Corporation cannot be faulted. Having heard the respective counsel, this Court is of the opinion that layout approved by the Vedayapalem Gram Panchayat, vide P.R.No. 6, dated 02.10.1970 was recognized and taking note of the above observation in the order of the Commissioner, dated 17.06.2025, this Court is of the opinion that <i>prima facie</i> case is made out. Hence, there shall be interim direction as follows:-	
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		i) The respondents are hereby restrained from making any further construction over the plots of the petitioners bearing Nos. 361-A, 361-B, 357-B, 357-C of Vedayapalem Gram Panchayat, presently known as Saphagiri Colony, for a period of twelve (12) weeks. Post on 25.07.2025 to enable the learned Standing Counsel for the Respondents for filing Counter-Affidavit. Registry is directed to list this matter along with W.P.No.15461 of 2025. _____ VN,J KK	
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