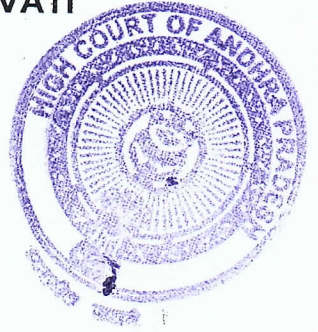


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY SEVENTH DAY OF JUNE,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION NO: 15353 OF 2025



Between:

1. Ponnala Jayalakshmi, W/o Sudharkar Reddy, Aged 64 years occ House wife, 15-1098, Pinakini Avenue Opp. Appolo Hospital, Haranath Puram, S.P.S.R. Nellore
2. Narra Mallikarjuna Reddy, S/o Narsa Reddy, Aged 68 years, occ Contrator, Chennuru (V) Dhagadharthi (M), S.P.S.R. Nellore
3. Murahari Mohan Rao, S/o Late Ramanaiah, Aged 76 years, 3rd Street, Tyagaraja Nagar, Vedayapalem, S.P.S.R. Nellore

...Petitioner/s

AND

1. The State of Andhra Pradesh, Rep., by its Principal Secretary Municipal Administration and Urban Development Department, AMARAVATI
2. Nellore Municipal Corporation, Rep., by its Commissioner Nellore S.P.S.R, Nellore District.

...Respondent/s

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 or Order or Direction more particularly one in the nature of Writ of Mandamus, declaring action of the 2nd Respondent in taking possession of our plots by constructing compound wall, which is illegal or arbitrary, capricious and against to the principles of natural justice and also violative of Articles 14,21,300-A of the Constitution of India, consequently direct the 2nd respondent to hand over our plots bearing No. 357 A, 357 B,

357 C, 361 A and 361 B of Vedayapalem presently known as Sapthagiri Colony.

IA NO: 1 OF 2025

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 grant stay of all further proceedings of proceeding with construction on our plots, Pending disposal of WP No.15353 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 Krishna Mohan Sikharam, Advocate for the Petitioners, GP for Municipal Administration and Urban Development for the Respondent No.1 and of Sri P.Vengal Reddy, Standing Counsel for the respondent No.2, the Court made the following

ORDER:

"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 *prima facie* case is made out. Hence, there shall be interim direction as follows:-

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 Sapthagiri 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."

//TRUE COPY//

Sd/- K.TATA RAO
DEPUTY REGISTRAR

Fo

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Municipal Administration and Urban Development Department, AMARAVATI (by Special Messenger)
2. The Commissioner, Nellore Municipal Corporation, Nellore, S.P.S.R Nellore District.
3. One CC to Sri Krishna Mohan Sikharam, Advocate [OPUC]
4. Two CCs to GP for Municipal Administration and Urban Development, High Court of Andhra Pradesh. [OUT]
5. One CC to Sri P.Vengal Reddy, Standing Counsel [OPUC]
6. The Section Officer, Posting Section, High Court of Andhra Pradesh
7. One spare copy

CVSS

HIGH COURT

VN,J

DATED:27/06/2025

POST ON 25.07.2025

ORDER

WP.No.15353 of 2025

DIRECTION

