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APHC010331782022



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

**WEDNESDAY, THE 12th DAY OF AUGUST 2026
PRESENT**

**THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION NO: 19941/2022**

Between:

1. SRI. PASUPATI NARAYANA MURTHY RAJU (DIED), S/O LATE SRI JOGI JAGANNADHA RAJU, AGED ABOUT 74 YEARS, R/O DNO.L-124, JONNALAVALASA, VIZIANAGARAM DISTRICT, REPRESENTED BY HIS GPA HOLDER SRI CHINTALAPATI SRINIVAS, S/O SRI C VENKATA RAMA RAJU, AGED ABOUT 54 YEARS, OCC- BUSINESS, R/O FLAT NO.603, BALAJI DOLPHIN HIGHTS, SEETAMADHARA NORTH EXTENSIONS, VISAKHAPATNAM VISAKHAPATNAM DISTRICT
2. SMT PUSAPATI PRAMEELA, W/O P.NARAYANAMURTHY RAJU (LATE), AGED ABOUT 59 YEARS, R/O 2-3, JONNAVALSA, JAGANNADHAPURAM VILLAGE AND MANDAL, VIZIANAGARAM DISTRICT.
3. SMT PAKALAPATI SWETHA, D/O P.NARAYANAMURTHY RAJU (LATE), AGED ABOUT 39 YEARS, R/O 2-3, JONNAVALSA, JAGANNADHAPURAM VILLAGE AND MANDAL, VIZIANAGARAM DISTRICT
4. GOTTUMUKKALA DRUTHI, D/O LATE GOTTUMUKKALA SHILPA, REPRESENTED BY GOTTUMUKKALA SESHU BABU, BEING FATHER AND NATURAL GUARDIAN, AGED ABOUT 16 YEARS, R/O 2-3, JONNAVALSA, JAGANNADHAPURAM VILLAGE AND MANDAL, VIZIANAGARAM DISTRICT. ALL THE PETITIONERS HEREIN ARE REPRESENTED BY THE GPA HOLDER SHRI.DUGGINENI BHASKARA RAO, S/O VENKAIAH, AGED ABOUT 62 YEARS, RESIDING AT F3, MURTHYS MANOR APARTMENTS, GIRI ROAD, T NAGAR, CHENNAI. PETITIONER NOS. 2 TO 4 ARE BROUGHT ON RECORD AS L.RS OF THE SOLE DECEASED WRIT PETITIONER AS PER THE COURT ORDER DT 22.03.2024 VIDE ORDERS PASSED IN I.A.NO 03 OF 2024.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS

- PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION
DEPARTMENT A.P. SECRETARIAT, AT VELAGAUDI, AMARAVATHI.
2. THE GREATOR VISAKHAPATNAM MUNICIPAL CORPORATION,
VISAKHAPATNAM, VISAKHAPATNAM DISTRICT REP. BY ITS
COMMISSIONER,
 3. THE VISAKHAPATNAM METROPOLITAN REGION DEVELOPMENT
AUTHORITY, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT
REPRESENTED BY ITS COMMISSIONER CT IS AMENDED AS
PER C.O.DT.22.04.2026 IN IA.NO.1 OF 2026

...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 topleased to issue an order, writ or direction more particularly in the nature of Writ of Mandamus Under Article 226 of the Constitution of India declaring the action of 2nd respondent in seeking to dispossess the petitioner from his property in an extent of Ac.4.68 cents out of Ac.7.05 in Sy.No.2D of Maduravada Village within the limits of Greater Visakhapatnam Municipal corporation, Vishakhapatnam District without issuing any notice without following any procedure under law by removing boards erected by the petitioner in his property as illegal, arbitrary and violative of Article 14, 21 and 300-A of Constitution of India and consequently direct the 2nd respondent not dispossess the petitioner from above said property pass

IA NO: 1 OF 2022

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 respondents not to dispossess the petitioner from his land an extent of Ac.4.68 cents out of Ac.7.05 in Sy.No.2D of Maduravada Village within the limits of Greater Visakhapatnam Municipal corporation, Vishakhapatnam District, and pass

IA NO: 1 OF 2024

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 Pleased to condone the delay of 495 days in filing the present Interlocutory Application and pass

IA NO: 2 OF 2024

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 Pleased to restore the WP no. 19941 of 2022 on the file of this Hon'ble Court and to permit the Petitioner No. 2 to 4 to pursue the litigation against the Respondent and pass

IA NO: 3 OF 2024

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 pleased to permit the Petitioners. No 2 to 4 to come on record herein as the legal representative of the erstwhile Writ Petitioner and pass

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 extend the interim order granted by this Hon'ble Court in IA. No. 1 of 2022 in W.P. 19941 of 2022, initially on 11.07.2022 and subsequently on 19.04.2024

IA NO: 2 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 vacate the interim status order initially granted in I.A.No. 1 of 2022 in W.P.No. 19941 of 2022, and subsequently on 19-04-2024, pass

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 allow the present Interlocutory Application and permit the Petitioner to amend the Cause title in respect of the Respondent No.3 so as to correctly reflect the designation of the Respondent Authority, by substituting the following specified in the cause title FROM; "The Visakhapatnam Metropolitan Region Development Authority, Rep. by its Chairman, Visakhapatnam, Visakhapatnam District." WITH "The Visakhapatnam Metropolitan Region Development Authority, Rep. by its Commissioner, Visakhapatnam, Visakhapatnam District." and pass

Counsel for the Petitioner(S):

1. VIVEK CHANDRA SEKHAR S

Counsel for the Respondent(S):

1. GP FOR MUNICIPAL ADMN URBAN DEV
2. SOMISETTY GANESH BABU SC For VUDA and MUDA
3. A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N**WRIT PETITION No.19941 of 2022****ORDER:**

1. The petitioners are seeking action against respondent No.2 for attempting to dispossess the petitioners from their property admeasuring Ac.4.68 cents out of Ac.7.05 cents in RS.No.2D of Maduravada Village, Visakhapatnam, without issuing any notice and without following the due procedure of law. The petitioners have also sought consequential relief directing the respondents not to dispossess them of their property.
2. The learned counsel for the petitioners submits that the 1st petitioner's family originally held about Ac.233.56 cents and that the 1st petitioner, after partition of the family property, got an extent of Ac.85.86 cents. Thereafter, the 1st petitioner sold admeasuring Ac.78.81 cents to various parties. Thereby, the petitioners have land admeasuring Ac. 7.05 cents left over after the petitioners executed various sale deeds.
3. It is submitted that a purchaser of the land from the petitioner had obtained layout permission from the Grampanchayat covering an extent of Ac.41.25 cents and L.P.No.1 of 1992 was issued. It is submitted that the layout forms part of the Ac.78.81 cents sold by the 1st petitioner from his share.
4. It is submitted that the respondent No.3 approved the layout plan in the year 1998 and an extent of Ac.4.68 cents was shown as open space.

This land forms part and parcel of the balance extent of Ac.7.05 cents that remained after the petitioner sold an extent of Ac.78.81 cents from his total extent of Ac.85.86 cents. This property is the exclusive property of the petitioner No.1. The respondent authorities were never handed over land in Survey No.2D of Madhuravada village. The respondent authorities also never insisted on registration of the said open area. The layout developer had shown the subject property as part of the layout which was earmarked for common purpose as open area/space of the layout.

5. It is submitted that the petitioner No.1 approached the District Collector against the attempts of the respondent No.2 in trying to dispossess the petitioner from his land. The District Collector directed the Tahsildar to submit a report. The Tahsildar submitted a report on 07.04.2012 clarifying that the open area to the extent of Ac.4.68 cents is part and parcel of the leftover land of the petitioner and his family members, and that the same was suppressed by the layout developer, who obtained approval of the layout. The Tahsildar further requested the respondent No.3 to exclude the subject land from the open space category.
6. The learned counsel for the petitioner further submits that the joint inspection was conducted pursuant to the directions of this Court in WP.No.4002 of 2020, and it was found that excess land admeasuring Ac.4.48 cents is available in L.P.No.1/92. Thereafter, the respondent No.3 addressed a letter to the Tahsildar seeking details of the joint

inspection, survey sketch and other supporting documents. On 15.11.2021, the Tahsildar informed that the relevant documents were missing. The respondent No.2 has informed the petitioner, vide proceedings dated 13.12.2021, that the release of the excess land from the layout formed in the year 1992 cannot be considered at this belated stage.

7. During the pendency of the writ petition, the writ petitioner passed away, and the legal heirs have been brought on record.
8. The respondent No.2 has filed a counter, stating that the open area of a layout approved in the year 1992 has vested in the respondent No.2, and they are regularly maintaining the same. It is also submitted that the respondent No.3 handed over an extent of Ac.4.27 cents out of the original extent of Ac.4.68 cents, and that the Ashta Lakshmi Temple is constructed on land admeasuring Ac.41.00 cents. It is also submitted that the writ petition has been filed after a lapse of 30 years by the party claiming title to land admeasuring Ac. 4.68 cents. It is also submitted that the petitioners were never in possession of the subject property and that it is the bounden duty of the respondent authority to maintain the same.
9. The petitioners have filed a rejoinder to the counter, and it is submitted that the efforts of the petitioner No.1 to reclaim the land are evident, and that the respondent No.3 sought to evict the petitioners from the said land. The petitioner No.1 has approached the District Collector, who, in

turn, forwarded the petitioner's representation to the Tahsildar to conduct an enquiry. The enquiry report of the Tahsildar, Visakhapatnam Rural, dated 07.04.2012, categorically indicated the petitioner's claim.

10. Heard the learned counsel for the petitioners and the learned standing counsel for the respondents. Perused the material on record.
11. Considering the submissions, the extent of open space in layout No. 1 of 1992, which is exclusively earmarked for public purposes, cannot be converted for any other purpose. The survey conducted by the Tahsildar in April, 2012, categorically observed that the land admeasuring Ac.4.68 cents, which is shown as part and parcel of L.P.No.1 of 1992, would have to be excluded from the layout, as it was wrongly shown as open space in L.P.No.1 of 1992. The subsequent survey conducted by the Inspector of Survey-1, Visakhapatnam, the Surveyor of VMRDA, A, and the E.T.S. Surveyor has also identified that there is excess land of Ac.4.48 cents available in L.P.No.1 of 1992, which is in excess of the approved layout of Ac.41.25 cents. The total extent of land on the ground was found to be Ac.45.73 cents. It was observed that VMRDA would have to verify and check the facts and take appropriate action.
12. The exact location of the open space is also not determined. The open space referred to by the petitioner was wrongfully shown as part and parcel of a layout. Part of it was utilised for road construction, and the

remaining part was earmarked as open space for the common good of the residents of the layout.

13. It is not explained as to what prevented the petitioners from securing the remaining extent of Ac.7.05 cents after parting with Ac.78.81 cents from their share. The identification of the excess land has also become an impossible task when the total layout spans a large extent of land. It cannot be delineated or demarcated as the exclusive land belonging to the petitioner.
14. On the facts and circumstances of this case, this Court cannot direct the respondents to alter the layout permission granted in the year 1992 and hand over the extent of the excess land to the petitioner without the same being identified. The excess area of the layout is also not determined by metes and bounds after surveying by the respondent authorities.
15. The categorical statement of respondent No. 2 that they have the subject property and that the petitioners were never in possession of the open areas is concerned; this Court cannot determine it in a writ petition. Admittedly, an extent of Ac.4.68 cents is found in excess in the layout. However, the excess extent could not be delineated and earmarked with metes and bounds. The relevant record appears to be missing from the Tahsildar's office.
16. It is left open for the petitioners to seek appropriate relief from the layout developer and others concerned for having wrongfully included the

petitioners' extent of land admeasuring Ac.4.68 cents in the layout L.P.No.1 of 1992.

17. Any direction of this Court to hand over the excess area from the layout to the petitioner would disturb the layout granted in the year 1992. On account of efflux of time, several third-party rights have accrued over the plots in the layout, and their interests would be affected if the petitioner's prayer is considered.

18. On these grounds, this Court is of the considered view that the relief sought for by the petitioners cannot be granted at this belated stage; however, it is left open for the petitioners to seek appropriate relief from the layout developer and others concerned for having wrongfully included the petitioners' extent of land admeasuring Ac.4.68 cents in L.P.No.1 of 1992.

19. With this observation, the writ petition stands disposed off. There shall be no order as to costs. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE HARINATH.N

Date : 12.08.2026
KGM

Whether the order is:

Speaking		Reasoned	☒
Reportable		Non-reportable	☒

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.19941 of 2022
Date: 12.08.2026