



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

TUESDAY ,THE EIGHTH DAY OF JULY

TWO THOUSAND AND TWENTY FIVE

**:PRESENT:
THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

WRIT PETITION NO: 16900 OF 2025

Between:

Peddisetty Veeraiah, S/o.late Madahava Rao, aged about 65 years,
R/O.D.NO.17/254-1-A, Sidimbivari Agraharam, Eedepalli,
Machilipatnam, Krishna District-

Petitioner

AND

1. The State of Andhra Pradesh, Through the Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat, Velagapudi, Amaravati, Guntur District.
2. . Machilipatnam Municipal Corporation, Rep. by Its Municipal Commissioner, Machilipatnam, Krishna District.
3. J.S.R. Constructions, Rep. by J.Tulasiram, S/o.Shanta Rao, aged Major, R/o.D.No.1-165, Sangam Jagarlamudi Village, Tenali Mandai, Guntur District.
4. P.Siva Rama Krishna Prasad, S/o.Satyanarayana, aged Major, R/o.Shamole, Begumpet, RBI quarters, Opp. 2nd gate. Corner Stone Apartment, Flat No.302, D.No.1-11-129/15A, Secunderabad, Telangana State.

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 appropriate Writ, Order or direction more particularly one in the nature of Writ of MANDAMUS declaring the inaction of the above named 2nd Respondent in stopping Illegal and unauthorized construction by Respondents No.3 and 4 in an extent of 433.33 Square Yards in Revenue Survey Ward No-4. Municipal Ward No. 17 (New Ward No.45), R.S.No.373/1, Plot No.34 of NGOs Revenue Colony, Sidimbivari Agraharam, Eedepalli, Machillpatnam, Krishna District as arbitrary, illegal and violative of right to property guaranteed under Article.300-A of the Constitution of India and consequently direct the 2nd Respondent to take further action pursuant to the endorsement dt 06-06-2025 forthwith.

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 direct the 2nd Respondent to stop the illegal and unauthorized construction by Respondents No.3 & 4 in an extent of 433.33 Square Yards in Revenue Survey Ward No.4, Municipal Ward No. 17 (New Ward No.45), R.S.No.373/1, Plot No.34 of NGO's Revenue Colony, Sidimbivari Agraharam, Eedepalli, Machilipatnam, Krishna District, , Pending disposal of WP 16900 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 SAI GANGADHAR CHAMARTY Advocate for the Petitioner, GP FOR MUNICIPAL ADMN AND URBAN DEV AP for the Respondent No.1; Sri A.S.C. Bose, Standing Counsel for the Respondent No.2 and the Court made the following.

ORDER:

“The present Writ Petition is filed questioning the inaction of the Respondent No.2 in stopping illegal and unauthorized construction by Respondents 3 and 4 in an extent of 433.33 Sq.yds in Revenue Ward No.4, Municipal Ward No.17 (New Ward No.450 in R.S.No.373/1, Plot No.34 of N.G.O’s Revenue Colony, Sidimbivari Agraharam, Eedepalli, Machilipatnam, Krishna District as illegal and arbitrary.

The Petitioner claims that he is the absolute owner and possessor of the land to an extent of 62 sq.yds bearing present D.No.17-254 in Ward No.45 of Sidimbivari Agraharam, Eedepalli, Machilipatnam, having acquired the same from his father by succession. The father of the Petitioner purchased the same under Registered Sale Deed dated 01.03.1984 from his vendor Sannala Anjaneyulu.

While so, the Respondents 3 and 4 started proceeding with the construction in the said property. The Petitioner made a complaint to the Respondent No.2 on 26.05.2025. Subsequently, the Respondent No.2 issued an Endorsement dated 06.06.2025 informing the Petitioner that the builder and owner were instructed not to proceed with further building construction without obtaining permission from the Municipal Corporation. The Petitioner was also informed to take action to get the survey done through the Town Surveyor in between the Petitioner and Respondents 3 and 4 in respect of subject property.

Learned Standing Counsel for the Respondents, on instructions, would submit that instructions were issued to the Respondents 3 and 4 not to proceed with further construction without obtaining building permission.

Learned counsel for the Petitioner would submit that in spite of instructions by the Respondent/ Corporation, the Respondents 3 and 4 are proceeding with construction without obtaining building permit.

Having heard the respective counsel and considering the instructions issued by learned Standing Counsel for the Respondents restraining the Respondents 3 and 4 from proceeding with further constructions without obtaining any building plan from the Respondent/ Corporation, in that view, there shall be interim direction as follows:

- i) The Respondents 3 and 4 are restrained from making any further construction without obtaining any building permission from the Respondent/ Corporation.
- ii) The Respondent/ Corporation shall consider the objections made by the Petitioner before issuing any building plan in favour of the Respondents 3 and 4.

Post on 05.08.2025.”

//TRUE COPY//

For ,

SD/- U. SRIDEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Department of Municipal Administration and Urban Development, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.[By Special Messenger]
2. The Municipal Commissioner, Machilipatnam Municipal Corporation, Machillpatanam, Krishna District.
3. J.Tulasram, J.S.R. Constructions, S/o.Shanta Rao, aged Major, R/o.D.No.1-165, Sangam Jagarlamudi Village, Tenall Mandai, Guntur District.
4. P.Siva Rama Krishna Prasad, S/o.Satyanarayana, aged Major, R/o.Shamole, Begumpet, RBI quarters, Opp. 2nd gate, Corner Stone

Apartment, Flat No.302, D.No.1-11-129/15A, Secunderabad, Telangana State. (2 to 4 by RPAD)

5. One CC to SRI. SAI GANGADHAR CHAMARTY Advocate [OPUC]
6. One CC to Sri A.S.C. Bose, Standing Counsel [OPUC]
7. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV AP ,High Court Of Andhra Pradesh. [OUT]
8. **One spare copy**

HIGH COURT

VN,J

DATED:08/07/2025

POST ON 05.08.2025

ORDER

WP.No.16900 of 2025

INTERIM DIRECTION

