

**WRIT APPEAL NO: 875 of 2025**

S. Parvati

...Appellant

Vs.

The State of Andhra Pradesh and others

...Respondents

Advocate for Appellant : Sri N. Ashwani Kumar

Advocate for Respondents : Learned Government Pleader for
Municipal Administration and Urban
Development, Sri Potham Vengala
Reddy, learned Standing Counsel for
Municipal Corporation in Rayalaseema
Region, Sri P. Ganga Rami Reddy.

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R. RAGHUNANDAN RAO****DATE : 7th August 2025****P C :**

The present Writ Appeal has been preferred against the judgment and order dated 27.06.2025 passed in W.P.No.2168 of 2025.

2. The petitioner had questioned the order dated 14.12.2024 passed by the Tirupati Municipal Corporation, Tirupati whereby, the petitioner was directed to remove the unauthorized construction raised by her as a consequence of the cancellation of the building permission and the subsequent confirmation under Section 450 of the Andhra Pradesh Municipal Corporation Act, 1955 (for short, "the A.P.M.C. Act").

3. It appears that there has been some litigation which was pending before the civil Courts based upon a civil suit for injunction filed by the appellant herein. The matter has finally reached the Supreme Court. In the interregnum, it appears that the appellant raised certain construction over the property which is the subject matter of dispute before the Apex Court at present. It appears that the municipal authorities noticed certain violations in regard to the construction raised by the appellant. This has more elaborately been discussed in the notices which have been issued to the appellant, which reflect that the appellant had not maintained the front setback, the rear setback as also the side setbacks. Even the built up area was beyond the limits permitted. It is in that context that the on line permission granted to the appellant by virtue of order dated 21.11.2024 by the Commissioner, Tirupati Municipal Corporation was revoked. In view of the violations, a show cause notice dated 11.12.2024 is stated to have been served upon the appellant in terms of Section 450 of the A.P.M.C. Act requiring the appellant to show cause as to why the building be not pulled down. This was followed by a final order, dated 14.12.2024, whereby the appellant was directed to remove the unauthorized construction raised at the site.

4. The appellant contends before us that the notice dated 11.12.2024 was never served upon the appellant.

5. The contention of the appellant's counsel is that although in the notice dated 11.12.2024, the authorities had required the appellant to show cause

within seven days as to why the unauthorized construction should not be removed, yet, the order which came to be passed, which was impugned before the learned single Judge, was issued only within a period of two days thereafter. It is stated that the order impugned in the writ petition, therefore, was unsustainable on that ground alone. The petition filed by the petitioner challenging the proceedings on the aforementioned grounds, however, came to be dismissed.

6. Learned counsel for the parties, however, are *ad idem* that a post decisional hearing could be given to the appellant to show cause as to why the action proposed to be initiated in terms of show cause notice dated 11.12.2024 be not taken. In case the authorities feel satisfied on the explanation so rendered, it shall be open to the said authority to modify the order and take an appropriate decision in that regard. In case the concerned authority does not feel satisfied with the cause shown, the order impugned would be sustained. Till such time as the post decisional hearing is given, *status quo* shall be maintained on the spot. The appellant shall be at liberty to file her response to the show cause notice within a period of one week from today. She shall also be given an opportunity of personal hearing. While giving the post decisional hearing, the authority concerned shall consider only the violations which are the basis for initiating the action under the A.P.M.C. Act and not with regard to the pending civil litigation between the parties.

7. The Writ Appeal is, accordingly, disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

R. RAGHUNANDAN RAO, J

AMD

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**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE R. RAGHUNANDAN RAO**

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Dt : 07.08.2025

AMD