



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI



THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI DHIRAJ SINGH THAKUR, THE CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT APPEAL NO: 875 OF 2025

Writ Appeal under clause 15 of the Letters Patent to set aside the final order passed in W.P.No.2168 of 2025 and Batch dated 27.06.2025 and allow the Writ Petition as prayed for

Between:

S Parvati, W/o S. Subramanyarn Naidu, Aged about 70 years, R/o Ramasamudram Village, Tirumalakuppam Post Puttur Mandal, Tirupati District- 517584

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Municipal Administration and Urban Development, Velagapudi, Secretariat Buildings, Amaravati.
2. The Tirupati Municipal Corporation, Tirupati, Rep by its Commissioner.
3. Choppa Ramachandra Reddy, S/o Narasimha Reddy, Aged about 57 years, R/o D.No.22-11-97/3, Durga Nagar Colony, Gollavanigunta, Tirupati Town and District, Andhra Pradesh.

...Respondents

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 direct the Respondent No.2 to allow the Petitioner/ Appellant to make further constructions in subject property admeasuring an extent of 168.66 Sq.Meters in Sy.No.65/1 in Gollavanigunta, Akkarampalli Group, Tirupati Urban Mandal, Tirupati District, pending disposal of the above Writ Appeal

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 suspend the operation of NO.384/1012/TPT/UC/2024 dated proceedings issued vide Notice 14.12.2024 by the Respondent No.2 pending disposal of the above Writ Appeal

Counsel for the Petitioner: SRI N ASHWANI KUMAR

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMN URBAN DEV

Counsel for the Respondent No.2: POTHAM VENGALA REDDY SC For M.Corporation in Rayalaseema region In

Counsel for the Respondents: SRI P GANGA RAMI REDDY

The Court made the following order:

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**Bench Sr.No:-11
[3446]**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.

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Sd/- M.S.V. NAVEEN CHANDRA
DEPUTY REGISTRAR


SECTION OFFICER

To,

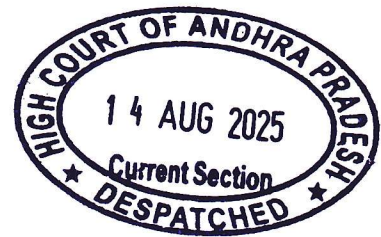
1. The Principal Secretary, State of Andhra Pradesh, Department of Municipal Administration and Urban Development, Velagapudi, Secretariat Buildings, Amaravati.
2. The Commissioner, Tirupati Municipal Corporation, Tirupati, Commissioner.
3. One CC to SRI N ASHWANI KUMAR Advocate [OPUC]
4. One CC to SRI POTHAM VENGALA REDDY SC For M. Corporation in Rayalaseema region In Advocate [OPUC]
5. Two CCs to GP FOR MUNICIPAL ADMN URBAN DEV High Court of Andhra Pradesh [OUT]
6. One CC to SRI P GANGA RAMI REDDY Advocate [OPUC]
7. Two CD Copies

gsg

HIGH COURT

DATED: 07/08/2025

**ORDER
WA NO. 875 OF 2025**



**DISPOSING THE WA
WITHOUT COSTS**