

APHC010407552025



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

[3457]

TUESDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 20793/2025

Between:

1.MADIREDDY VENKATA SIVARAMA KRISHNA, S/O MADIREDDY SURYANARAYANA, AGED ABOUT 50 YEARS, OCC. SENIOR AUDIT OFFICER UNDER THE COMPTROLLER AND AUDITOR GENERAL (CAG) IN INDIA, R/O 10-100, SANTOSH NAGAR, KOTHAPALEM, VISAKHAPATNAM, ANDHRA PRADESH

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATI.

2.THE GREATER VISAKHAPATNAM MUNICIPAL CORPORATION GVMC, REPRESENTED BY ITS COMMISSIONER, VISAKHAPATNAM DISTRICT.

3.THE TOWN PLANNING OFFICER, ZONE VIII GREATER VISAKHAPATNAM MUNICIPAL CORPORATION, VISAKHAPATNAM 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 a Writ of Mandamus or any other appropriate writ,

order or direction declaring the Respondent NO. 2 notice No. 01/2025 dated 28.07.2025 thereby holding that there is a deviation in setbacks on the front and side set back (2) as illegal, irregular, irrational and arbitrary and contrary/ to GO Ms.No. 114 dated 26.06.2025 and violative of Articles 14 and 21 of constitution of India and consequently direct the 2nd respondent not to demolish the alleged deviated portion of petitioner's residential building in DNo. 10-100, Sy. No. 145/Part, Santosh Nagar, Venkatapuram Village Ward No. 89, Zone-VII, GVMC, Visakhapatnam District and to 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 direct the 2nd respondent not to demolish the alleged deviated portion of petitioner's residential building in DNo. 10-100, Sy. No. 145/Part, Santosh Nagar, Venkatapuram Village, Ward No. 89, Zone-VII, GVMC, Visakhapatnam District pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.JAYA PRAKASH MADASU

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following Order:

1. The learned counsel appearing for the petitioner submits that the petitioner is aggrieved by the impugned notice dated 28.07.2025, whereby the 2nd respondent directed the petitioner to stop further construction work and appear before the Zonal Commissioner, along with a reply as to why the alleged unauthorized construction should not be removed or demolished. It is submitted that the petitioner has submitted a reply on 31.07.2025. That apart, the learned counsel for the petitioner submits that G.O.Ms.No.114, dated 26.06.2025, facilitates the petitioner to maintain a minimum setback of 0.75 meters towards the sides of the buildings and a front setback of one meter. It is submitted that even as per the impugned notice, the petitioner has maintained a front setback of 1.5 meters, and on the sides of the building, has left setbacks of 1.5 meters and 1.3 meters respectively.
2. It is further submitted that the alleged deviation in the built-up area is also within the 10% of the permissible limit. As such, the respondent authorities may consider the petitioner's case for compounding the deviation. It is also submitted that the petitioner intends to submit a revised building plan, pay the applicable charges, and purchase the required Transferable Development Rights (TDR) to regularize the deviation.
3. The learned Standing counsel appearing for the 2nd respondent submits that in the event the petitioner complies that Clause 9 and 10 of the reply dated 31.07.2025, the respondent authorities shall duly consider the same.

4. Accordingly, the writ petition is disposed off at the stage of admission, directing the 2nd respondent to duly consider the petitioner's representation dated 31.07.2025, and to provide an opportunity to the petitioner to make good the short fall in TDR and submit the same along with the revised building plan within a period of three (03) weeks from the date of the receipt of this order.
5. The petitioner shall submit the required TDR documents and the revised building plan within the said period of three weeks, and the respondents shall consider the same. The respondents are hereby directed not interfere with the construction activity.
6. The petitioner is also at liberty to submit an additional explanation, if so advised. There shall be no order as to costs.

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

JUSTICE HARINATH.N

Date: 05.08.2025
NKA

64

HONOURABLE SRI JUSTICE HARINATH.N

Writ Petition No.20793 of 2025

Date: 05.08.2025

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