

APHC010407632025



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

[3457]

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

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 21082/2025

Between:

1. INNAMURI NARASIMHA RAO, , S/O. VENKATESWARLU, AGED 49 YEARS, OCC ADVOCATE, R/O. D.NO.6-2-185, BOMBAY ROAD, BUCHIREDDYPALEM TOWN AND MANDAL, SPSR NELLORE DISTRICT.

...PETITIONER

AND

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

2. BUCHIREDDYPALEM NAGAR PANCHAYAT, REPRESENTED BY ITS COMMISSIONER, BUCHIREDDYPALEM TOWN AND MANDAL, SPSR NELLORE 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 topleased to issue any writ or direction more particularly a writ in the nature of Writ of Mandamus declaring the impugned order dt. 12.05.2025 passed by Respondent No.2 with respect to petitioner's property consisting of G plus 2 Building situated at Door.No.6- 2-185 (Old Door.No.B-12-24). Buchireddypalem Town and Mandal, SPSR Nellore District, without issuing any prior notice, without following due process of law, as illegal, arbitrary,

violative of Principles of Natural Justice, Articles 14, 21 and 300 A of the Constitution of India, Consequently set-aside the same and direct the respondents herein not to demolish the petitioner's property consisting of G and 2 Building situated at Door.No.6-2-185 (Old Door.No.B-12-24), Buchireddypalem Town and Mandal, SPSR Nellore District,

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 respondents herein not to demolish the petitioner's property consisting of G+2 Building situated at Door.No.6-2-185 (Old Door.No.B-12-24), Buchireddypalem Town and Mandal, SPSR Nellore District by suspending the impugned order dt. 12.05.2025 issued by the 2nd respondent, pending disposal of the above writ petition

Counsel for the Petitioner:

1.V VINOD K REDDY

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

THE HONOURABLE SRI JUSTICE HARINATH.N**WRIT PETITION NO: 21082 of 2025****ORDER:**

1. The petitioner is aggrieved by the action of 2nd respondent in attempting to demolish the staircase of the petitioner, which is abutting the road. It is submitted that no notice was issued by the 2nd respondent prior to the proposing demolition of the said staircase. Aggrieved by such action, the petitioner has filed the present writ petition.

2. The learned Standing counsel appearing for the 2nd respondent, on written instructions, submits that the property of the petitioner is situated abutting the main road, and that, over a period of time, several traders and shop owners along the stretch of the road have extended their structures beyond their sanctioned boundaries and have encroached upon the road margin. These encroachers are stated to be obstructing the free flow of storm water drainage. In view of this, the commissioner and Director of Municipal Administration have issued proceedings to all municipalities to clear such encroachments ahead of the monsoon season to ensure unimpeded drainage flow.

3. Pursuant thereto, encroachment notices were issued to various encroachers along a one-kilometer stretch of the road on 12.05.2025 and again on 01.08.2025, directing them to remove the encroachments within a period of three days. However, due to the inaction on the part of the encroachers, the respondent authorities are constrained to take necessary

steps to ensure the clearance of storm water drains, especially in light of the impending monsoon.

4. It is submitted by the learned counsel for the petitioner that the petitioner has constructed the structure strictly within the boundaries of his property and has not encroached upon any public land. It is further submitted that, without determining the existence and extent of any alleged encroachment through proper measurement and due process, the respondent authorities cannot proceed to demolish the petitioner's structure or brand the same as an encroachment.

5. Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the 2nd respondent.

6. Accordingly the present writ petition is disposed off with a direction to the 2nd respondent to verify, the extent of any encroachment, after a proper inspection and measurement. If it is found that the construction exceeds the land legitimately possessed by the petitioner, the respondent authorities may take necessary action in accordance with law. There shall be no order as to costs.

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

JUSTICE HARINATH.N

Date:12.08.2025

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Date: 12.08.2025

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