

APHC010414562025



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

[3457]

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

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 21152/2025

Between:

1. UPPALA SRINIVASA RAO, S/O LATE UPPALA SAMPATHA RAIDU,
AGED ABOUT 54 YEARS, R/O H.NO.4-1-1/7, 1 ST LINE, PATEL
NAGAR, BAPATLA, BAPATLA DISTRICT-522101

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF MA AND UD, SECRETARIAT,
VELAGAPUDI AMARAVATI, GUNTUR DISTRICT.

2. THE BAPATLA MUNICIPALITY, REP BY ITS COMMISSIONER,
BAPATLA

3. THE TOWN PLANNING OFFICER, BAPATLA MUNICIPALITY,
BAPATLA

...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 an appropriate Writ or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondents, more particularly the Respondent No.3 in Confirmation Notice bearing U.C.No.01/2025/BMC/WPRS-7 Dt.04.07.2025 (Served on the Petitioner herein on 05.08.2025) and thereby seeking to Demolish/Remove the Construction being made by the Petitioner herein in an extent of 155.15

Sq Mts in D.No.4-2-167, 11th Ward, Sy.No.1424, Bapatia as being illegal, arbitrary, without Jurisdiction, without Application of Mind, in violation of Principles of Natural Justice and in violation of Article 14,19,21,300A of the Constitution of India and in Contravention of the Provisions of the AP Municipalities Act, 1965 and consequently set aside the Confirmation Notice bearing U.C.No.01/2025/BMCA/VPRS-7, Dt.04.07.2025 (Served on the Petitioner herein on 05.08.2025) and 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 Stay the Operation and all further proceedings pursuant to the Confirmation Notice bearing U.C.NO.01/2025/BMC/WPRS-7, Dt.04.07.2025 (Served on the Petitioner herein on 05.08.2025), pending disposal of the above writ Petition, and pass

Counsel for the Petitioner:

1. TRINATH CHOUDARY KOLLA

Counsel for the Respondent(S):

1. GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following Order:

1. The petitioner is aggrieved by the highhanded action of the respondents in attempting to demolish the construction raised by the petitioner over the land admeasuring 155.15 square meters, bearing door no.4-2-167, 11th ward, Sy.No.1424, Bapatla.
2. It is submitted that the petitioner's ancestral property was acquired for the purpose of road widening in the year 2021-22, and thereafter, the petitioner constructed a building over land admeasuring 155.15 square meters, consisting of ground floor + 1st floor. A provisional notice was issued on 19.06.2025 by the 3rd respondent, calling upon the petitioner to explain why the construction should not be demolished. Subsequently, on 04.07.2025, a confirmation notice was issued, determining the construction made by the petitioner as illegal.
3. It is further submitted by the learned counsel for the petitioner that the 3rd respondent is not the competent authority to issue such notices, and that only the Commissioner would be the competent authority. It is also submitted that this objection was brought to the notice of the 2nd respondent, stating that the show-cause notice issued by the 3rd respondent is invalid, as per the reply dated 30.06.2025. However, the confirmation order does not reflect the contentions raised by the petitioner in his reply dated 30.06.2025.
4. The learned Standing counsel appearing for respondent Nos.2 and 3 submits that the land in survey No.1424 is Government land (prabhutvapu donka), and that the petitioner has constructed a building over the same.

The written instructions received by the learned Standing counsel have brought a new dimension to the contentions of the petitioner.

5. Be that as it may, the impugned proceedings are hereby set aside, leaving it open for the 2nd respondent to initiate the proceedings afresh, calling upon the petitioner to submit a copy of title deed along with necessary application for grant of building permission.

6. The petitioner shall furnish a copy of the title document and a No Objection Certificate (NOC) from the concerned Tahsildar, along with relevant documents pertaining to the land over which the building is constructed, and submit that same to the 2nd respondent. The 2nd respondent shall consider the same on merits and pass necessary orders. Until such consideration, the possession of the petitioner shall not be disturbed.

7. The petitioner shall make a representation within a period of (04) weeks, and the 2nd respondent shall consider and dispose off the same within a further period of eight (08) weeks from the date of receipt of such representation.

8. Accordingly, the writ petition is disposed off. There shall be no order as to costs.

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

JUSTICE HARINATH.N

250

HONOURABLE SRI JUSTICE HARINATH.N

Writ Petition No.21152 of 2025

Date: 07.08.2025

NKA