

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 23277 OF 2025



Between:

1. Chinamushidiwada Vuda Colony Upkeep And Welfare Association, (Redg No. 192 of 2016) rep., by its Hon. President, Sri G Satyanarayana, VUDA Colony Chinnamushidiwada, Visakhapatnam Visakhapatnam District.
2. Gubbala Satyanarayana, S/o Bhagavan Das, Aged about 63 years, Occ. Retd. Lecturer, R/o HIG 101, VUDA Colony, Chinnamushidiwada, Visakhapatnam, Visakhapatnam District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep by Principal Secretary, Municipal Administration and Urban Development (M) Department, A.P. Secretariat Buildings, Velagapudi, Amaravathi.
2. The Vishakhapatnam Metropolitan Region and Urban Development Authority (VMRDA), rep. by its Metropolitan Commissioner, Visakhapatnam, Visakhapatnam District.
3. The Greater Visakha Municipal Corporation, Rep. by its Commissioner, Visakhapatnam, Visakhapatnam District.
4. The Town Surveyor, Zone-8, Greater Visakha Municipal Corporation Visakhapatnam, Visakhapatnam District
5. The Sub-Registrar, Chinamushidiwada Visakhapatnam District.
6. North Star Homes and Spaces Private Limited, Vizag Office, Plot No. 355/IC, IT Sez Road, Beside Sreekanya Cinepolis Theater, Madhurawada, Visakhapatnam, Visakhapatnam District.

...Respondents

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, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.3 in issuing the Lay out plan in L.P.No.1/2025/1086/Z6/DPMS in favour of respondent No.6 permitting it to lay the layout by including 30 feet out of the 60 feet road, abutting the residential colony of the petitioner No.1 as against 60 feet road specified in the petitioner No.1 Layout registered as L.P.No. 16 of 2003, Chinnamushidiwada, Greater Visakhapatnam Municipal Corporation and consequential inaction on the part of respondents No.2 &3 in taking steps to rectify the Layout, even after receipt of repeated Written representations/applications submitted as arbitrary, illegal, colorable exercise of power, contrary to the well-established legal principles apart from being violative of the fundamental and Constitutional rights guaranteed to us under Article 14, 19, 21 & 300-A of Constitution of India and consequently set aside the layout plan in L.P.No.1/2025/1086/Z6/DPMS issued in favour of the respondent No.6.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed 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.5 not to entertain any sale deeds/sale transactions presented by respondent No.6 in respect of the plots in the lay out plan in L.P. No. 1/2025/1086/Z6/DPMS issued in its favour, Pending disposal of WP 23277 of 2025, on the file of the High Court.

IA NO: 2 OF 2025

Petition under Section 151 of CPC is filed 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.6, not to proceed with any

constructions in the lay out in respect of the lay out plan in L.P No. 1/2025/1086/Z6/DPMS approved by the respondent No.3, Pending disposal of WP 23277 of 2025, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI D DORABABU Advocate for the Petitioners, and of GP MUNICIPAL ADMN AND URBAN DEV, for the Respondent Nos.1 & 4, and of SRI S.GANESH BABU, Standing Counsel for the Respondent No.2, and of SRI ASC BOSE, Standing Counsel for the Respondent No.3, and of GP FOR STAMPS & REGISTRATION, for the Respondent No.5, the Court made the following

ORDER:

1. The petitioners are aggrieved by the inaction on the part of respondents 2 and 3 in maintaining the 60 feet road shown in the master plan L.P. No.16/2003.
2. It is submitted by the learned counsel for the petitioners that the petitioners purchased the plots in accordance with the approved layout in the year 2006, and the southern boundary of the petitioners' property is a 60 feet road, which is also evident in L.P. No.16/2003.
3. It is submitted that the 6th respondent is now proposing to convert the land into a layout and is converting the 60 feet road on the south side of the petitioners' land into a 30 feet road. In this regard, the petitioners submitted representation on 23.06.2025 to the 2nd respondent, who is the competent authority, to deal with the encroachment of the road. The 2nd respondent issued an endorsement dated 23.06.2025 duly informing that the 3rd respondent is the competent authority to take action on encroachment.

4. The 3rd respondent has also issued an endorsement dated 28.06.2025, duly informing the petitioners that the road admeasuring 60 feet in L.P. No.16/2003 is under review, and a clarification is sought from the 2nd respondent. The petitioners were also advised to approach the 2nd respondent for clarification regarding the 60 feet road.
5. The learned counsel for the petitioners submits that respondents 2 and 3 are now making the petitioners go from pillar to post with regard to retention of the 60 feet road.
6. The learned counsel for the petitioners is permitted to serve personal notice on the 6th respondent by registered post with acknowledgment due and file proof of service in the registry.
7. List the matter on 22.09.2025.
8. In the meantime, there shall be a direction to respondents 2 and 3 to ensure that the road admeasuring 60 feet is restored, and there shall be a further direction to the 6th respondent not to sell any plots adjoining the 60 feet road towards south of the petitioners' plots till further directions from this Court.
9. List the matter on 22.09.2025.
10. In the meantime, there shall be a direction to respondents 2 and 3 to ensure that the road admeasuring 60 feet road to be restored and there shall be a direction to the 6th respondent not to sale any plots adjoining 60 feet road till further directions from this Court.
11. List the matter on 22.09.2025.

Sd/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

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To,

1. The Principal Secretary, Municipal Administration and Urban Development (M) Department, State of Andhra Pradesh, A.P. Secretariat Buildings, Velagapudi, Amaravathi. **(by Special Messenger)**
2. The Metropolitan Commissioner, Vishakhapatnam Metropolitan Region and Urban Development Authority (VMRDA), Visakhapatnam, Visakhapatnam District.
3. The Commissioner, Greater Visakha Municipal Corporation, Visakhapatnam, Visakhapatnam District.
4. The Town Surveyor, Zone-8, Greater Visakha Municipal Corporation Visakhapatnam, Visakhapatnam District
5. The Sub-Registrar, Chinamushidiwada Visakhapatnam District.
6. North Star Homes and Spaces Private Limited, Vizag Office, Plot No. 355/IC, IT Sez Road, Beside Sreekanya Cinepolis Theater, Madhurawada, Visakhapatnam, Visakhapatnam District **(Addressees 2 to 6 by RPAD)**
7. One CC to SRI. D DORABABU Advocate [OPUC]
8. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP FOR STAMPS & REGISTRATION, High Court of Andhra Pradesh [OUT]
10. One CC to SRI S.GANESH BABU, Standing Counsel [OPUC]
11. One CC to SRI ASC BOSE, Standing Counsel [OPUC]
12. **One spare copy**

PSR

HIGH COURT

HN,J

DATED:02/09/2025

NOTE: List the matter on 22.09.2025.

ORDER

WP.No.23277 of 2025

INTERIM DIRECTION

