

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



WEDNESDAY, THE TWENTY FIRST DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 5642 OF 2017

Between:

Kasukurthi Venkateswarlu, S/o Kotaiah, aged about 67 years, R/o Flat No.301, Sarojinidevi Apartments, Santhapeta, Ongole, Prakasam District.  
**Petitioner**

AND

1. The State of Andhra Pradesh, M.A. & U.D. Department,, Secretariat Buildings, Secretariat, Velagapudi, Guntur District, Rep. by its Principal Secretary.
  2. The Ongole Municipal Corporation, Ongole, Rep. by its Commissioner.
  3. Ungarala Prabhakara Rao, S/o Kotaiah, aged about 60 years, D/o. 60-144 R/o Annavarapadu. Ongole, Prakasam District.
  4. Kommuri Krishna Chaitanya, S/o Murali Krishna, aged about 50 years, R/o D.No.50-1-144 (B), Anandarao Road, Ongole, Prakasam 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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2<sup>nd</sup> respondent in not taking action against the 3<sup>rd</sup> and 4<sup>th</sup> respondents in making illegal and unauthorized construction on 20'ft road and also on open space earmarked in a Layout It L.P.No.98/61 in Sy.No.107 of Annavarapupadu, Ongole, Prakasam District is illegal, arbitrary and consequently direct the 2<sup>nd</sup> respondent to remove the illegal and unauthorized construction made by the 3<sup>rd</sup> and 4<sup>th</sup> respondents on the 20' ft road in Layout in LP.No.98/61 in Sy.No.107 of Annavarapupadu, Ongole, Prakasam District.

**IA NO: 1 OF 2017**

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the 2<sup>nd</sup> respondent to take necessary steps forthwith pursuant to the Notice in Rc.No.7108/2014/G2, dated 28.1.2015 issued by the Assistant City Planner, Ongole Municipal Corporation against the 3<sup>rd</sup> and 4<sup>th</sup> respondents, Pending disposal of WP 5642 of 2017, 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 V.V.N. Narayana Rao, Advocate for the Petitioner, Sri Ancha Panduranga Rao, Advocate for the Respondent No.2 and the Court made the following

**ORDER:**

"The above writ petition is filed to declare the inaction on the part of the 2nd respondent in initiating action against the respondents 3 and 4 who are making illegal construction on 20 feet road and also in open space earmarked Layout in L.P.No.98/61 in Sy.No.107 of Annavarapupadu, Ongole, Prakasam District, as illegal and arbitrary.

As seen from the material papers filed along with the writ petition, Town Surveyor submitted report dated 11.09.2014 pointing out the construction by encroaching road and part of open space. In fact, the Assistant City Planner of 2nd respondent Corporation issued notice to the 3<sup>rd</sup> respondent on 28.01.2015 and another notice to the 4<sup>th</sup> respondent on 28.06.2015.

When the matter was listed on 19.12.2023, on request of learned Standing Counsel, it was adjourned to 27.12.2023. Thereafter, the matter was listed on 24.01.2024 and on the request of learned Standing Counsel, the matter was adjourned to 07.02.2024. No counter was filed on behalf of the 2nd respondent.

Learned Standing Counsel seeks time to file counter.

List the matter on 06.03.2024 for filing counter.

If counter is not filed by the next date of hearing, learned Commissioner of Ongole Municipal Corporation shall appear before the Court along with relevant record."

Sd/- N. NAGAMMA  
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

For Assistant Registrar

To,

1. The Principal Secretary, M.A. & U.D. Department, Secretariat Buildings, Secretariat, Velagapudi, Guntur District, State of Andhra Pradesh.
2. The Commissioner, Ongole Municipal Corporation, Ongole.
3. Ungarala Prabhakara Rao, S/o Kotaiah, aged about 60 years, D/o. 60-144 R/o Annavarapadu. Ongole, Prakasam District.
4. Kommuri Krishna Chaitanya, S/o Murali Krishna, aged about 50 years, R/o D.No.50-1-144 (B), Anandarao Road, Ongole, Prakasam District.  
(Addressee Nos. 1 to 4 by **SPEED POST**)
5. One CC to SRI. V V N NARAYANA RAO Advocate [OPUC]
6. Two CCs to GP-MUNCIPAL ADMN AND URBAN DEV(AP), High Court Of Andhra Pradesh. [OUT]
7. One CC to SRI. ANCHA PANDURANGA RAO Advocate [OPUC]
8. One spare copy



HIGH COURT

SRS,J

DATED:21/02/2024

LIST THE MATTER ON 06.03.2024 FOR FILING COUNTER

ORDER

WP.No.5642 of 2017

APPEARANCE

