



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

FRIDAY, THE SEVENTEENTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 28795 OF 2025

Between:

Laxman Sahu, S/o. Harikrishna Sahu Late, R/o D.No. 50-49-26, TPT colony, Seethammadhara, Visakhapatnam 530013.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal and Urban Development, Secretariat, Nelapadu, Amaravati, Guntur District.
2. The Greater Visakhapatnam Municipal Corporation (GVMC), Rep. by its Commissioner, Tenneti Bhavan, Asilmetta Junction, Visakhapatnam - 530003
3. Sub- Registrar Visakhapatnam, S.R.O, Visakhapatnam, Rep by its Sub Registrar, Town Kotha Road, Super Bazar, Puma Market Jagadamba Junction, Visakhapatnam, Andhra Pradesh 530002
4. Challapilli Naresh Kumar, aged 50 years S/o Ch. Sattayya(late) residing at Door No. 36-5-1, Ganganagar, Kancharapalem, Visakhapatnam-530008
5. Challapalli Devi, aged 43 years, W/o Challapilli Naresh Kumar, residing at Door No. 36-5-1, Ganganagar Kancharapalem, Visakhapatnam-530001
6. Kutikuppala Leelavathi, aged 62 years W/o Late K.Nageswara Rao, Residing at Door No.50-53- 11/1, Flat no.502, ABELS ARCADE

Apartment, North Extension , Seethammanadhara, Visakhapatnam-530013

7. Kutikuppala Ramana Murthy, aged 44 years S/o Late K.Nageswara Rao, residing at Door No.50-53- 11/1, Flat no.502, ABELS ARCADE Apartment, North Extension, Seethammanadhara, Visakhapatnam - 530013
8. Gurugubelli Eswaramma, aged 46 years, W/o Sri G.Bharatha Rao, residing at Door No.50-53- 11/1, Flat no.502, ABELS ARCADE Apartment, North Extension , Seethammanadhara, Visakhapatnam-53001

...Respondents

Petition under Article 226 of the Constitution of India is filed 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 a writ in the nature of Mandamus, declaring the action of the Respondent No.2 in granting Building Permit Order No.1086/1162/B/Z3/REM/2025 dated 22-04-2025 and issuing Property Tax Assessment No. 1086608501 in favour of the Unofficial Respondents, as illegal, arbitrary, unconstitutional, and in willful violation of the judicial orders dated 22.08.2024, 24.01.2025, and 06.02.2025 passed by the Honble Principal District and Sessions Judge, Visakhapatnam, in O.S. No. 132 of 2024 and consequently set aside the said Building Permit and Property Tax Assessment;

IA NO: 1 OF 2025:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay all further operations, construction, demolition, alteration, or any other developmental activity pursuant to Building Permit Order No.1086/1162/B/Z3/REM/2025 dated 22.04.2025

issued by the Respondent NO.2 in respect of the Suit Schedule Property bearing Door No.50-50-26, Sy.No.3/13 Part, Resapuvanipalem Village, Visakhapatnam, pending disposal of WP.No.28795 of 2025, on the file of the High Court.

IA NO: 2 OF 2025:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to maintain status quo with respect to the nature, title and physical condition of the Suit Schedule property and to refrain from permitting, facilitating, or undertaking any further construction, demotion, or alteration activities thereon, pending disposal of WP.No.28795 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 Gnani Vivek Karra, Advocate for the Petitioner and GP for Municipal Admn Urban Dev for the Respondent No.1 and Sri A.S.C.Bose, Standing Counsel for the Respondent No.2 and GP for Stamps & Registration for the Respondent No.3, the Court made the following;

ORDER:

“Learned counsel for the petitioner submitted that the petitioner has claim over the subject property, over which the 2nd respondent has granted permission for construction in favour of respondent Nos.4 and 5.

It is submitted that the petitioner has filed a suit for specific performance against respondent Nos.6 to 8. It is further submitted that the learned Principal District Judge, Visakhapatnam, had granted an interim direction restraining the 2nd respondent from granting any permission in favour of any third party as during pendency of the

suit, respondent Nos.6 to 8 had executed a sale deed in favour of respondent Nos.4 and 5.

It is submitted that the sale deed was executed during the interim period and the injunction, which was granted earlier in the suit could not be extended. However, the suit was pending for consideration on merits.

The 2nd respondent on the strength of the said sale deed has now issued permission in favour of respondent Nos.4 and 5 by order dated 22.04.2025.

It is submitted that the said permission could not have been granted and there was a specific directions from the learned Principal District Judge, Visakhapatnam, vide order dated 06.02.2025. There was a further direction from the Court to the 3rd respondent to maintain custody of the said property in the District Registrar.

The learned counsel for the petitioner is permitted to take out personal notice on respondent Nos.4 to 8 by registered post with acknowledgment due and file proof of service in the Registry.

In the meanwhile, there shall be a direction to the respondents not to proceed further construction.

Post the matter on 10.11.2025.”

//TRUE COPY

SD/-SK MD RAFI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Municipal and Urban Development, Secretariat, Nelapadu, Amaravati, Guntur District. (by **Special Messenger**)

2. The Commissioner, Greater Visakhapatnam Municipal Corporation (GVMC), Tenneti Bhavan, Asilmetta Junction, Visakhapatnam - 530003
3. The Sub Registrar, Sub- Registrar Visakhapatnam, S.R.O, Visakhapatnam, Town Kotha Road, Super Bazar, Puma Market Jagadamba Junction, Visakhapatnam, Andhra Pradesh 530002
4. Challapilli Naresh Kumar, S/o Ch. Sattayya(late) residing at Door No. 36-5-1, Ganganagar, Kancharapalem, Visakhapatnam-530008
5. Challapalli Devi, W/o Challapilli Naresh Kumar, residing at Door No. 36-5-1, Ganganagar Kancharapalem, Visakhapatnam-530001
6. Kutikuppala Leelavathi, W/o Late K.Nageswara Rao, Residing at Door No.50-53- 11/1, Flat no.502, ABELS ARCADE Apartment, North Extension , Seethammanadhara, Visakhapatnam-530013
7. Kutikuppala Ramana Murthy, S/o Late K.Nageswara Rao, residing at Door No.50-53- 11/1, Flat no.502, ABELS ARCADE Apartment, North Extension, Seethammanadhara, Visakhapatnam - 530013
8. Gurugubelli Eswaramma, W/o Sri G.Bharatha Rao, residing at Door No.50-53- 11/1, Flat no.502, ABELS ARCADE Apartment, North Extension, Seethammanadhara, Visakhapatnam-53001 (Addressee Nos.2 to 8 by **RPAD**)
9. One CC to Sri. Gnani Vivek Karra, Advocate [OPUC]
10. Two CCs to GP for Municipal Admn Urban Dev, High Court of Andhra Pradesh. [OUT]
11. One CC to Sri A.S.C.Bose, Standing Counsel [OPUC]
12. Two CCs to GP for Stamps & Registration, High Court of AP [OPUC]
13. One spare copy

HIGH COURT

HN,J

DATED:17/10/2025

POST THE MATTER ON 10.11.2025

ORDER

WP.No.28795 of 2025

DIRECTION

