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APHC010557582025



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

[3457]

THURSDAY, THE 25th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 28795/2025

Between:

1.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.KUTIKUPPALALEELAVATHI, 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.GURUGUBELLIESWARAMMA, 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

...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 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 and pass such

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

IA NO: 2 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

IA NO: 3 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

May be pleased to Vacate the interim order dt.17-10-2025 Granted in I.A.No.2 of 2025 in W.P.No.28795 of 2025 and dismiss the main writ petition as devoid of merit with exemplary costs and pass

Counsel for the Petitioner:

- 1.GNANI VIVEK KARRA

Counsel for the Respondent(S):

- 1.GP FOR MUNICIPAL ADMN URBAN DEV
- 2.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)
- 3.T M K CHAITANYA

The Court made the following:

ORDER:-

The Writ Petition is filed aggrieved by the action of 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 Respondent Nos.4 and 5 during the pendency of O.S.No.132 of 2024 on the file of the learned Principal District Judge, Visakhapatnam.

2. It is the case of the Petitioner that he has filed the suit for specific performance against Respondent Nos.6 to 8, seeking enforcement of the agreement of sale dated 10.06.2024.

3. The learned Principal District Judge, Visakhapatnam, by interim order dated 22.08.2024, directed Respondent Nos.6 to 8 not to create any third-party rights over the suit schedule property. However, the interim order was not extended, and thereafter Respondent Nos.6 to 8 executed a sale deed in favour of Respondent Nos.4 and 5 on 05.12.2024. Aggrieved by such acts, the Petitioner filed another application, pursuant to which the learned Principal District Judge directed GVMC not to process any application for granting building permission and further directed the concerned Sub-Registrar to maintain the suit schedule property under dispute register.

4. Mr.A.S.C.Bose, the learned counsel appearing for Respondent No.2, submitted that Respondent No.2 was unaware of the learned District Judge's order dated 06.02.2025, and that upon receipt of the said order, Respondent No.2 issued instructions to Respondent Nos.4 to 8 to stop the further work.

5. Mr.T.M.K.Chaitanya, the learned counsel appearing for Respondent Nos.4 to 8 submits that the Petitioner must adjudicate the dispute before the learned Trial court, and Respondent Nos.4 to 8 would also participate in the said proceedings.

6. The learned Assistant Government Pleader appearing for Respondent No.3 submits that the Sub-Registrar had entertained an application of Respondent Nos.4 and 5 and registered a deed of memorandum of deposit of title deeds in favour of Bajaj Finance Housing Limited towards the loan obtained by Respondent Nos.4 and 5. However, after receipt of the restraining orders from the learned District Judge, Respondent No.3 has not entertained any further registrations relating to the suit schedule property.

7. Having regard to the facts and circumstances of the case, the dispute between the Petitioner and Respondent Nos.4 to 8 regarding title or entitlement of the Petitioner to seek relief of specific performance must be adjudicated in the pending suit. It is left open to the parties to raise all such contentions before the learned Trial Court. Needless to mention, Respondent No.2 shall ensure that no development takes place on the suit schedule property until disposal of the suit.

8. Considering the request of the learned counsel for the Petitioner and the learned counsel for Respondent Nos.4 to 8, this Court expects the learned Principal District Judge, Visakhapatnam, to endeavour to dispose the suit in O.S.No.132 of 2024 expeditiously, preferably within a period of twelve (12)

months from the date of receipt of a copy of this order on its own merits. There shall be no order as to costs.

9. Accordingly, the Writ Petition is disposed of.

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

25.06.2026
PRA

JUSTICE HARINATH.N

Whether the order is:

Speaking		Reasoned	☒
Reportable		Non-reportable	☒

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THE HONOURABLE SRI JUSTICE HARINATH.N

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Date: 25.06.2026
PRA