

APHC010560852025



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



THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 28995 OF 2025

Between:

1. Donempudi Ramakrishna, S/o. late Mohana Rao Aged 49 years, residing in D. No. 25-1-465, 4th Cross Road, Postal Colony, Nellore City.
2. Donempudi Pardhasaradhi, S/o. late Mohana Rao, Aged 51 years. Native of D. No. 25-1-465, 4th Cross Road, Postal Colony, Nellore City.
3. Donempudi Koteswra Rao, S/o. late Mohana Rao, aged 50 years, employee and native of D. No. 25-1-465, 4th Cross Road, Postal Colony, Nellore City.
4. Donempudi Harika, W/o. Koteswara Rao, aged 37 years, property holder and native of D. No. 25-1-465, 4th Cross Road, Postal Colony, Nellore City.

...Petitioners

AND

1. The State of Andhra Pradesh, rep. by its Prl. Secretary, Municipal and Urban Development Department, AP Secretariat, Velagapudi, Amaravati, Guntur District.
2. Nellore Municipal Corporation, Rep by its Commissioner, Nellore City, SPSR Nellore District.

3. Shaik Abdul Khuddush, S/o. Shaik Masthan Saheb, D. No. 25-3-863, first floor. Pipe Line Street Sarai Angadi center, Podalakur Road, Nellore.

...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 2nd respondent in permitting the 3rd Respondents to proceed with the unauthorized construction situated in Door no 25-1-465, 4th Street, Division no 28, Postal colony, Nellore City, Nellore Municipal Corporation area without permission, Nellore Municipal corporation limits, in spite of representation 06.09.2025 respectively submitted by petitioners is illegal, irregular, arbitrary and violative of provisions of relevant municipal bye laws by which construction of buildings in Municipal Corporations in the state of Andhra Pradesh is governed and offends Art, 14 and 21 of Constitution of India and Consequently direct the 2nd respondent to demolish illegal and unauthorized buildings situated in Door no 25-1-465, 4th Street, Division no 28, Postal colony, Nellore City, Nellore Municipal Corporation area, Nellore, SPSR Nellore District.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to stop the unauthorized constructions of Respondents 3 in residential area situated in Door no 25-1-465, 4th Street, Division No 28, Postal colony, Nellore City, Nellore Municipal Corporation area, Nellore, SPSR Nellore District, by considering the representations of the petitioner Dt. 06.09.2025 respectively, pending disposal of the main Writ Petition.

Counsel for the Petitioners: SRI SIVAPRASAD REDDY VENATI

**Counsel for the Respondent No.1 : GP FOR MUNICIPAL ADMN AND
URBAN DEVELOPMENT**

**Counsel for the Respondent No.2 : SRI A.S.C.BOSE,
SC FOR MUNICIPALITY**

Counsel for the Respondent No.3 : NONE APPEARED

The Court made the following order:



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

[3505]

THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
'TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR
WRIT PETITION NO: 28995/2025

Between:

1. DONEMPUDI RAMAKRISHNA, , S/O LATE MOHANA RAO
AGED 49 YEARS, RESIDING IN D. NO. 25-1-465, 4TH
CROSS ROAD, POSTAL COLONY, NELLORE CITY.
2. DONEMPUDI PARDHASARADHI,, S/O LATE MOHANA
RAO, AGED 51 YEARS. NATIVE OF D. NO. 25-1-465,
4TH CROSS ROAD, POSTAL COLONY, NELLORE CITY.
3. DONEMPUDI KOTESWRA RAO, , S/O LATE MOHANA
RAO, AGED 50 YEARS, EMPLOYEE AND NATIVE OF D.
NO. 25-1-465, 4TH CROSS ROAD, POSTAL COLONY,
NELLORE CITY.
4. DONEMPUDI HARIKA,, W/O KOTESWARA RAO, AGED
37 YEARS, PROPERTY HOLDER AND NATIVE OF D. NO.
25-1-465, 4TH CROSS ROAD, POSTAL COLONY,
NELLORE CITY.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRI.
SECRETARY, MUNICIPAL AND URBAN DEVELOPMENT
DEPARTMENT, AP SECRETARIAT, VELAGAPUDI,
AMARAVATI, GUNTUR DISTRICT.
2. NELLORE MUNICIPAL CORPORATION, REP BY ITS
COMMISSIONER, NELLORE CITY, SPSR NELLORE
DISTRICT.
3. SHAIK ABDUL KHUDDUSH, S/O SHAIK MASTHAN
SAHEB, D. NO. 25-3-863, FIRST FLOOR. PIPE LINE
STREET SARAI ANGADI CENTER, PODALAKUR ROAD,
NELLORE.

...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 one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd respondent in permitting the 3rd Respondents to proceed with the unauthorized construction situated in Door no 25-1-465, 4th Street, Division no 28, Postal colony, Nellore City, Nellore Municipal Corporation area without permission, Nellore Municipal corporation limits, in spite of representation 06.09.2025 respectively submitted by petitioners is illegal, irregular, arbitrary and violative of provisions of relevant municipal bye laws by which construction of buildings in Municipal Corporations in the state of Andhra Pradesh is governed and offends Art, 14 and 21 of Constitution of India and Consequently direct the 2nd respondent to demolish illegal and unauthorized buildings situated in Door no 25-1-465, 4th Street, Division no 28, Postal colony, Nellore City, Nellore Municipal Corporation area, Nellore, SPSR Nellore District 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 direct the respondents to stop the unauthorized constructions of Respondents 3 in residential area situated in Door no 25-1-465, 4th Street, Division No 28, Postal colony, Nellore City, Nellore Municipal Corporation area, Nellore, SPSR Nellore District, by considering the representations of the petitioner Dt. 06.09.2025 respectively, pending disposal of the main Writ Petition and pass

Counsel for the Petitioner(S):

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent(S):

1. GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following Order:

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR**WRIT PETITION No. 28995 OF 2025****ORDER:-**

1. The petitioners claim to be the absolute owners and possessors of land admeasuring an extent of 23 ankanams in Plot No.108A, in Survey No.2023/2 of Nellore Bit-1 Village, SPSR Nellore District.

2. It is further stated that the petitioners' father had initially raised a thatched house, and thereafter, a temporary ACC roof shed was erected. It is the specific case of the petitioners that, taking advantage of their absence, the 3rd respondent illegally occupied the subject land belonging to the petitioners and started making construction without obtaining permission from the 2nd respondent.

3. It is further stated that, having come to know about the same, the petitioners made a representation, dated 06.09.2025, bringing it to the notice of the 2nd respondent about the illegal construction undertaken by the 3rd respondent in the subject land belonging to them. Despite the said representation, when there was no action initiated against the 3rd respondent, the petitioners approached this Court by filing the present writ petition.

4. On the other hand, the learned Standing counsel, Sri A.S.C.Bose, appearing for the 2nd respondent-Corporation, submitted that, pursuant to the representation dated 06.09.2025 made by the petitioners, the 2nd respondent has initiated action by issuing notice dated 08.10.2025 to the 3rd respondent, whereby and whereunder directed him to stop further construction over the subject land and to appear in person before the 2nd respondent on 23.10.2025 at 4:00 PM, along with explanation and relevant documents in support of his claim over the subject property. He would further submit that the 2nd respondent would enquire into the matter and take necessary action in accordance with law. Copy of notice dated 08.10.2025 is placed before this Court.

5. Having regard to the submissions made by the counsel on either side, this Court feels that it is appropriate to dispose of the present writ petition by directing the 2nd respondent to conduct enquiry pursuant to notice dated 08.10.2025 and to take appropriate action in the matter. It is needless to mention that the 2nd respondent shall permit the petitioners to appear and put forth their claim in respect of the subject property, and after hearing all the parties concerned, the 2nd respondent is further directed to pass appropriate orders after affording opportunity of being heard.

6. With the above directions, the present writ petition is disposed of.

There shall be no order as to costs. As a sequel, pending applications, if any, shall stand closed.

//TRUE COPY//

Sd/- K TATA RAO
DEPUTY REGISTRAR
Suresh
SECTION OFFICER

To,

1. The Principal Secretary, Municipal and Urban Development Department, State of Andhra Pradesh, AP Secretariat, Velagapudi, Amaravati, Guntur District.
 2. The Commissioner, Nellore Municipal Corporation, Nellore City, SPSR Nellore District.
 3. One CC to Sri Sivaprasad Reddy Venati, Advocate [OPUC]
 4. Two CCs to GP for Municipal Admn and Urban Development, High Court of AP [OUT]
 5. One CC to Sri A.S.C. Bose, SC for Municipality (OPUC)
 6. Two CD Copies
- Cnr

HIGH COURT

DATED:23/10/2025

ORDER
WP NO. 28995 OF 2025



DISPOSING OF THE W.P.
WITHOUT COSTS