

**WRIT APPEAL NO: 1266 of 2025**

M Venkata Bhaskararao

...Appellant

Vs.

The State Of Andhra Pradesh and Others

...Respondent(s)

Advocate for Appellant:

Mr. N Ashwani Kumar

Advocate(s) for Respondent(s):

GP Municipal Admn & Urban Dev

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE CHALLA GUNARANJAN****DATE : 2nd December 2025****P C :**

The appellant has approached the learned Single Judge by way of W.P. No. 33090 of 2025. The matter has been adjourned to 09.12.2025.

We are informed that objections have not been filed to the writ petition and that opportunities had been sought by the official respondents in that regard.

The case of the petitioner is that the impugned notice in the Writ Petition, dated 15.11.2025, requiring the removal of the alleged encroachment to the extent of 42 Sq. Yds is an order passed in exercise of the powers under Section 192 of the A.P. Municipality Act, 1965, without affording an opportunity of being heard to the petitioner. It is stated that there is no specific

section, which otherwise obliges the authorities to afford an opportunity of being heard to the petitioner, yet principles of natural justice have to be read into Section 192 of the Act.

Reliance in this regard is also placed upon the judgment of a single Judge of this Court in the case of **Shaik Magbul Basha v. the State of Andhra Pradesh**¹, in which the judgments of the Apex Court on that principle, rendered in the cases of **Swadeshi Cotton Mills v. Union Of India**, **Manohar v. State of Maharashtra**, **Uptron India Limited v. Shammi Bhan, D.K. Yadav v. J.M.A. Industries Limited** and **Punjab National Bank v. Kunj Behari Misra** have been noticed.

The appellant apprehends that the official respondents are likely to demolish the two storied building, which was constructed in the year 2001 in gross violation of principles of natural justice. We have seen from the record that no orders have been passed in the Interlocutory Application filed by the appellant before the learned Single Judge and the matter has simply been adjourned.

With a view to protect the interest of the petitioner – appellant herein, we direct maintenance of *status quo* with regard to the property in question only till 09.12.2025, when the matter is to be taken by the learned Single Judge having roster.

¹ 2015 SCC OnLine Hyd 442 = (2016) 2 ALT 222

In the meantime, it shall be open to the appellant herein to file their explanation, if at all, before the concerned authority, which has issued the notice supra. Upon the explanation being so filed, it will be open to the said authority to pass appropriate orders on the same. The Writ Appeal is, accordingly, disposed of. No costs.

Pending miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

CHALLA GUNARANJAN, J

akn

**HON'BLE MR.JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE CHALLA GUNARANJAN**

Writ Appeal No: 1266 of 2025

DATE : 02.12.2025

AKN