



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

[3457]

THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 33745/2025

Between:

1. CHIMATA VIJAYA LAKSHMI, W/O LATE SAMBASIVA RAO AGED ABOUT 72 YEARS, SENIOR CITIZEN, R/O PLOT NO.204, C/O SAYANA DURGA BHAVANI, ANUMOLU ENCLAVE, KANCHUKOTAVARI STREET, GAYATRI NAGAR, VIJAYAWADA, N.T.R.DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY (MA AND UD), SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

2. THE DISTRICT COLLECTOR, N.T.R. DISTRICT AT VIJAYAWADA.

3. VIJAYAWADA MUNICIPAL CORPORATION, REPRESENTED BY ITS COMMISSIONER, JAWAHARLAL NEHRU BUILDING, VIJAYAWADA, N.T.R.DISTRICT.

4. THE TOWN PLANNING SECTION, REPRESENTED BY ITS TOWN PLANNING OFFICER, VIJAYAWADA MUNICIPAL CORPORATION, BOBBA COMPLEX, CIRCLE-3, PATAMATA, VIJAYAWADA, N.T.R.DISTRICT.

5. THE DISTRICT SCHOOL EDUCATIONAL OFFICER, N.T.R.DISTRICT AT VIJAYAWADA.

6. M C URDU HIGH SCHOOL, REPRESENTED BY ITS HEAD MASTER, R/O H.NO.74-3-6, 12TH WARD, ROAD NO.5, PANDARI NAGAR,

VIJAYAWADA, N.T.R. DISTRICT.

...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 an Order or a Direction or a Writ more in the nature of Writ of Mandamus by declaring the action of the Respondents 1 to 6 herein by constructing school buildings in the Petitioners residential house site admeasuring 315 sq. yards covered under L.P. No. 81/80, Survey No. 233/1 located at Patamata Revenue Village, Vijayawada East Mandal, N.T.R. District as arbitrary autocratic, illegal, ultravires, and contrary to the principles of natural justice consequently direct Respondents 1 to 6 herein to hand over the vacant possession of the above mentioned site by removing the illegal constructions to the Petitioner herein in the interests of justice 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 to pass an interim Order by way of Direction by directing the Respondents 1 to 6 herein to remove the illegal constructions of the 6th Respondent's school in the Petitioners residential house site admeasuring 315 sq. yards, covered under L.P. No. 81/80 Survey No. 233/1 located at Patamata Revenue Village, Vijayawada East Mandal, N.T.R. District pending disposal of the main Writ Petition in the interests of justice and pass such

Counsel for the Petitioner:

1.M/S.ASTONISH LAWS

Counsel for the Respondent(S):

1.GP FOR MUNICIPAL ADMN URBAN DEV

The Court made the following:

Order:-

The learned counsel for the petitioner submits that the petitioner is aggrieved by the inaction on part of the respondents in taking action on the representation of the petitioner, whereby the petitioner had complained that her site admeasuring 315 square yards in L.P. No. 81/80 in Sy. No. 233/1 located at Patamata Revenue Village, Vijayawada East Mandal, N.T.R. District, was under illegal occupation of the respondents and that an Urdu High School is constructed over the property of the petitioner.

2. It is submitted that the petitioner is a senior citizen and, on account of relocating to Hyderabad to live with her daughter, she was not able to take care of the property. In the meantime, it is alleged that respondent No. 6 has constructed an illegal building and is running a school. In that regard, the petitioner submitted a representation dated 27.03.2025 requesting the 3rd respondent to conduct a survey and hand over the possession of the property to the petitioner.

3. Sri S.V.S.S. Sriram, the learned Standing Counsel appearing for respondent Nos. 3 and 4, on instructions, submits that the petitioner would have to submit a proper F-Line application and pay the requisite fee. Insofar as the recovery of possession is concerned, the petitioner has to approach the competent civil Court.

4. The learned counsel for the petitioner further submits that the petitioner shall submit a proper application as required under the Municipal Corporation

Act and pay the requisite fee for conducting survey and demarcating the boundaries of the petitioner's property with reference to the title document of the petitioner. It is also submitted that vide endorsement dated 31.07.2024, the 3rd respondent, while replying to the RTI application of the petitioner, duly clarified that no permission was granted for construction of the building.

5. Considering the submissions of the learned counsel for the petitioner that the petitioner shall submit a fresh application to the 3rd respondent for conducting a survey, the writ petition is disposed of at the admission stage leaving it open for the petitioner to submit an application for conducting survey. On submission of such application, the respondent Nos. 2, 3 and 4 shall depute the competent surveyor for demarcating the boundaries of the petitioner with reference to the title document submitted by the petitioner with respect to her property. The petitioner shall submit an application for conducting a survey within a period of four (04) weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent Nos. 3 and 4 shall complete the survey within a period of six (06) weeks from the date of receipt of the representation from the petitioner. There shall be no order as to costs.

6. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

04.12.2025

Note: Issue CC by 05.12.2025

PNS

