



**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: 33694/2025

Between:

1.KAMISSETTY SRI LAKSHMI, W/O SAMBASIVA RAO, AGED ABOUT
71 YEARS, HOUSEWIFE, R/O 3-28-18-114/A 1ST LANE
RAJENDRANAGAR, GUNTUR.

...PETITIONER

AND

1.THE STATE OF AP, REP.BY ITS PRINCIPAL SECRETARY,
MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT
DEPARTMENT. SECRETARIAT BUILDING, , VELAGAPUDI,
AMARAVATI. GUNTUR DISTRICT.

2.THE MUNICIPAL CORPORATION GUNTUR, REP. BY ITS
MUNICIPAL COMMISSIONER, MUNICIPAL CORPORATION OFFICE.
MAIN ROAD, GUNTUR

...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 issue writ or direction particularly in the nature of mandamus or any other appropriate writ, declaring the action of the respondents in marking the premises of the petitioner and threatening to demolish the structures in D.No.3-28-18/114/A (New door No. 15-128), main road Rajendra Nagar Guntur without following the due process of law or following the procedure contemplated under sections 146 and 147 of Hyderabad Municipal Corporations Act 1955 the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 as illegal.

arbitrary, and opposed to principles of law and natural justice and infringement of property right guaranteed under Article 300-A of constitution of India and consequently direct the respondent authorities to follow due process of law and pass

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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 herein not to interfere or demolish the structures in the premises bearing D.No.3-28-18/114/A (New door No. 15-128), main road Rajendra Nagar Guntur belonging to the petitioner pending disposal of the writ petition and pass

Counsel for the Petitioner:

1.P VIJAYA KIRAN

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORDER:

The petitioner is aggrieved by the action of the 2nd respondent in issuing notice under Section 146 of the Andhra Pradesh Municipal Corporation Act, 1955 [hereinafter referred to as 'the A.P.M.C. Act, 1955'], dt.21.10.2025.

2. The petitioner was informed by the 2nd respondent that the land an extent of 51.38 square yards, belonging to the petitioner, is required for the proposed road widening from Brundavan Gardens Main road from N.T.R. Stadium Junction to CH. Hanumaiah Statue Junction. The said notice calls upon the petitioner to cooperate with the 2nd respondent and give due consent for handing over the site to enable the latter to proceed with the road widening activity. The notice also states that the petitioner, subject to eligibility for land compensation, shall be issued TDRs in terms of G.O. Ms. No.119, MA & UD, dt. 28.03.2017.

3. The learned counsel for the petitioner submits that the 2nd respondent has unilaterally decided to take over the land of the petitioner without calling for any response from the petitioner.

4. The learned standing counsel appearing for the 2nd respondent submits that, in spite of the petitioner having submitted his response to the notice under Section 146 of the A.P.M.C. Act, 1955, he has filed the present writ petition and approached this Court. It is also submitted that the respondents shall consider the reply of the petitioner and take necessary steps.

5. Heard the submissions of the learned counsel for the petitioner and the learned standing counsel for the 2nd respondent.

6. The impugned proceedings dt.21.10.2025 indicates that the 2nd respondent has decided to take over the land of the petitioner and has called upon the petitioner to cooperate with the said process. It is also stated that, subject to eligibility, the petitioner shall be compensated by issuance of a TDR certificate.

7. Section 146 of the A.P.M.C. Act, 1955 deals with the acquisition of immovable property by agreement. In such circumstances, the impugned notice is liable to be set aside as the 2nd respondent has not left any scope for agreement between the petitioner and the 2nd respondent. Ideally, the petitioner ought to have been called for negotiations and acceptable terms of compensation proposed by the 2nd respondent. In the absence of such averments in the notice, the impugned notice cannot be sustained and is liable to be set aside.

8. Accordingly, the impugned notice is set aside, making it clear that the 2nd respondent shall follow the due process of law by issuing notice and by complying with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or by proposing any other acceptable proposal to the petitioner.

9. With these observations, the writ petition stands disposed of.
10. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

04.12.2025
PNS

JUSTICE HARINATH.N