

APHC010655232025



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

[3457]

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 33780/2025

Between:

1.KOLLURU PAVANI DURGA, D/O. KOLLURU SAMBA SIVA RAO,
AGED ABOUT 32 YEARS, R/O D.NO. 1-20-6, NAZARPET, NEAR
GANDHI PARK, TENALI, GUNTUR DISTRICT.

...PETITIONER

AND

1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY.
MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT
DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI,
AMARAVATHI, GUNTUR DISTRICT 2.

2.THE GUNTUR MUNICIPAL CORPORATION, REP. BY ITS
COMMISSIONER, GUNTUR MUNICIPAL CORPORATION OFFICE,
GUNTUR, GUNTUR 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 topleased to Issue a Writ of Mandamus declaring the action of Respondent No.2 their subordinate officers in entering the Petitioners house site property admeasuring 632 Sq. Yards in D.No.277/1 of Pedapalakaluru, within Guntur Municipal Corporation limits, Guntur, Guntur District and attempting to lay a road without acquisition, as illegal, arbitrary, high-handed and violative of Articles 14, 19(1)(g), 21 and 300-A of the Constitution of India, violative of the principles of natural justice and contrary to the

procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Consequently direct Respondent No.2 their subordinate officers not to interfere with the Petitioners possession and enjoyment of the house site property admeasuring 632 Sq. Yards in D.No.277/1 of Pedapalakaluru, within Guntur Municipal Corporation limits, Guntur, Guntur District in any manner and to 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 restraining Respondent No.2 & their subordinate officers from entering, marking, digging, or laying any road or carrying out any activity in the Petitioner's house site property admeasuring 632 Sq. Yards in D.No.277/1 of Pedapalakaiuru, within Guntur Municipal Corporation limits, Guntur, Guntur District pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.SHAIK MEERAVALI

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

ORDER:

1. The petitioner is aggrieved by the action of the 2nd respondent in trying to take over the petitioner's property for the purpose of road widening in a high-handed manner without issuing any notice.
2. It is submitted that the 2nd respondent has been sending their men for marking the petitioner's property for the purpose of road widening. It is submitted that the petitioner is in lawful possession of the property pursuant to the final decree passed in O.S.No.123 of 1977, and the Court-appointed Commissioner had handed over the possession to the petitioner. The efforts of the 2nd respondent in attempting to mark the petitioner's property without issuing any notice are challenged in the present writ petition.
3. Sri A.S.C.Bose, learned Standing counsel appearing for the respondents, on oral instructions, submits that the respondent authorities shall follow the due process of law and, in the event the petitioner's property is required for acquisition for road widening, they shall necessarily follow the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, or propose any other applicable alternative to the petitioner for compensation.
4. Recording the same, the writ petition stands disposed off, making it clear to respondents to follow due process of law for acquiring the petitioner's property by invoking the provisions of the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013 or by proposing any other acceptable alternative to the petitioner.

5. Accordingly, the writ petition is disposed off. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:03.12.2025
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THE HONOURABLE SRI JUSTICE HARINATH.N

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Date: 03.12.2025

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