

APHC010655372025



**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: 33798/2025

Between:

1.ADUSUMALLI USHA SUNDARI, W/O. LATE VENKATESWARA RAO
AGED ABOUT 54 YEARS, OCC HOUSE WIFE R/O.STILT FLOOR
DOOR NO. 2-38-38, RENU RESIDENCY, GANDHI NAGAR, TENALI,
GUNTUR DISTRICT

...PETITIONER

AND

1.THE STATE OF AP, REP.BY ITS PRINCIPAL SECRETARY,
MUNICIPAL ADMN. , DEPARTMENT, SECRETARIAT,
SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT

2.TENALI MUNICIPALITY, REP.BY ITS COMMISSIONER TENALI,
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 ,order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing a notice Roc No. 2018/2018/G1 dated 22-4-2025 is illegal arbitrary and inviolation of principles of natural justice and consequently set aside the same 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 Petitioners respondent not to demolish residential Portion Stilt Floor in Door No. 2-38- 38, Renu Residency, Gandhi Nagar, Tenali , Guntur District pursuant to the notice dated 22- 4-2025 of the 2nd respondent pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.V V PRABHAKARA RAO

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

ORDER:

1. The learned counsel appearing for the petitioner submits that the petitioner is aggrieved by the impugned notice dated 22.04.2025, addressed in the name of the petitioner's husband, calling upon him to demolish the unauthorized construction by the slit floor, i.e., the parking area, which is in deviation from sanctioned plan.
2. The learned counsel appearing for the petitioner submits that the petitioner's husband passed away on 31.07.2023, and a copy of the death certificate is placed on record. It is also submitted that the impugned notice dated 22.04.2025 appears to have been issued in pursuance of the order passed by the Civil Court in O.S.No.217 of 2018, whereby the Court had directed the husband of the petitioner, by order dated 12.02.2024, to remove the unauthorized structure.
3. The learned Standing counsel appearing for the 2nd respondent submits that the death certificate was not placed before the trial Court, nor was the 2nd respondent informed about the death of the petitioner's husband. Hence, the 2nd respondent issued the impugned notice as the property continues to stand in the name of the petitioner's husband.
4. This Court, while considering other writ petitions wherein constructions in the stilt floor earmarked for parking were subject of demolition, this Court had directed such constructions to be demolished. However, considering the submissions and also considering that the impugned notice has been

issued in the name of a person who is no more, the same deserves to be set aside, leaving it open to the 2nd respondent to take steps for removal of the unauthorized construction by issuing an appropriate notice to the petitioner.

5. Accordingly, the present writ petition stands 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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