



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

**[3328]**

FRIDAY, THE THIRTIETH DAY OF JANUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA  
PRASAD**

**WRIT PETITION NO: 14600 OF 2014**

**Between:**

1. NANGAGADDA SUBHAN, KRISHNA DT., S/O PEERU, MUSLIM,  
AGED ABOUT 67 YEARS, R/O D. NO. 18/27, SUKARLABAD,  
MACHILIPATNAM, KRISHNA DISTRICT.

**...PETITIONER**

**AND**

1. COMMISSIONER MACHILIPATNAM MPLTY 6 OTHERS,  
REPRESENTED BY ITS COMMISSIONER, MUNICIPALITY.

2. KULSUM BEE, W/O LATE. SHAIK MOHAMMOD, AGED ABOUT 68  
YEARS, MUSLIM, C/O SHAIK SALEEM, RAZAMASJID  
COMPLEX, SUKARLABAD, MACHILIPATNAM, KRISHNA  
DISTRICT.

3. SHAIK AMEER BHASHA, S/O SHAIK MOHAMMOD, AGED ABOUT 48  
YEARS, MUSLIM, C/O SHAIK SALEEM, RAZA MASJID COMPLEX,  
SUKARLABAD, MACHILIPATNAM, KRISHNA DISTRICT.

4. SHAIK BASHA, S/O MOHAMMOD, AGED ABOUT 47  
YEARS, MUSLIM, C/O SHAIK SALEEM, RAZA MASJID COMPLEX,  
SUKARLABAD, MACHILIPATNAM, KRISHNA DISTRICT.

5. SHAIK SALEEM, S/O MOHAMMOD, AGED ABOUT 45 YEARS,  
MUSLIM, C/O SHAIK SALEEM, RAZAMASJID COMPLEX,  
SUKARLABAD, MACHILIPATNAM, KRISHNA DISTRICT.

6.SHAIK HUMAYUN, S/O MOHAMMOD, AGED ABOUT 36 YEARS,MUSLIM, C/O SHAIK SALEEM, RAZAMASJID COMPLEX, SUKARLABAD, MACHILIPATNAM, KRISHNA DISTRICT.

7.FARZANA, D/O MOHAMMOD, AGED ABOUT 40 YEARS, MUSLIM, C/O SHAIK SALEEM, RAZA MASJIDCOMPLEX, SUKARLABAD, MACHILIPATNAM, KRISHNA 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 toto issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring that the plan sanctioned by the 1st respondent for construction of the building, if any, in part of premises bearing D. No. 18/27 situated at Sukarlabad, Machilipatnam, Krishna District and failure on the part of the 1st respondent to stop the construction work as illegal, arbitrary, unconstitutional and consequentially direct the 1st respondent herein to demolish the construction made in the premises bearing D. NO. 18/27 and pass

**Counsel for the Petitioner:**

1.P R PRASAD

**Counsel for the Respondent(S):**

1.GP FOR MUNICIPAL ADMN URBAN DEV

2.Sireesha Rani Vallabhaneni,Standing Counsel For Municipalities

3.V SESHAKUMARI

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA  
PRASAD  
WRIT PETITION NO: 14600 OF 2014**

**The Court made the following ORAL ORDER:**

None for the Writ Petitioner. Heard Sri Vijaya Kumar, Ld. Counsel appearing on behalf of Sri A.S.C.Bose, Ld. Standing Counsel for the Municipal Corporations.

2. The prayer sought in the present Writ Petition is as under:

*“Hence in the interest of Justice, it is prayed that this Hon’ble Court may be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring that the plan sanctioned by the 1<sup>st</sup> respondent for construction of the building, if any, in part of premises bearing D. No. 18/27 situated at Sukarlabad, Machilipatnam, Krishna District and failure on the part of the 1<sup>st</sup> respondent to stop the construction work as illegal, arbitrary, unconstitutional and consequentially direct the 1<sup>st</sup> respondent herein to demolish the construction made in the premises bearing D.NO.18/27 and pass such other order or orders as this Hon’ble Court may deem fit and proper as in the circumstances of the case.”*

3. The above prayer would indicate that the Petitioner has filed case against the Unofficial Respondent Nos. 2 to 7 for unauthorized construction alleging that the construction is not in accordance with approved plan. On 22.05.2014, this Court had directed the Respondent No.1 to consider the Representation submitted by the Writ Petitioner dated 28.02.2014.

4. When this case was listed on 22.01.2025, having noted that the Writ Petitioner is no more inasmuch as he had expired on 14.06.2020, this Court directed the Standing Counsel for the Respondents to obtain instructions whether any action has been initiated on the Representation submitted by the Writ Petitioner on 28.02.2014 or not?

5. Sri Vijaya Kumar, Ld. Counsel appearing for the Respondents has submitted the Written Instructions dated 03.02.2025 furnished by the Commissioner (Respondent No.1) endorsed by the Town Planning Officer. Copy of it is taken on record.

6. Para-3 of the Written Instruction would indicate that the Respondent Nos.2 to 7 have obtained approval for the plan and thereby, the Respondents constructed the building. In response to the Representation submitted by the Writ Petitioner dated 28.02.2014, the Respondent No.1 has directed the Town Surveyor to conduct the survey. Accordingly, the Town Surveyor has conducted detailed Survey on 06.09.2014 in the presence of the Writ Petitioner and Unofficial Respondent Nos. 2 to 7. As per the Report of the Town Planning Surveyor, the Petitioner's land is located in an un-surveyed portion in Survey ward No.V, Sukarlabada. After completion of the Survey, the Respondent No.1 has issued an Endorsement bearing R.O.C.No. 5614/2014/G1, Dt: 08.09.2014 to the Writ Petitioner indicating about Report of survey. Copy of this Endorsement bearing R.O.C.No.5614/2014/G1, Dt: 08.09.2014 is also supplied by the Ld. Counsel for the Respondents across the table. It is also stated in the Written Instruction that the Representation of the Writ Petitioner dated 28.02.2014 has been answered and that the Respondent Nos. 2 to 7 have completed the construction in accordance with the plan. It is also noted that O.S.No.429 of 2014 filed by the Writ Petitioner herein against the Unofficial Respondents to declare the Plaintiff as absolute owner of the plaint schedule property was dismissed by the trial Court on 25.03.2022. Having recorded the same, this Court is of the opinion that the present Writ Petition is bereft of any merit.

7. Accordingly, this Writ Petition is dismissed both on merit and for non-prosecution. No order as to costs.

8. Interlocutory Applications, if any, stand closed in terms of this order.

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**GANNAMANENI RAMAKRISHNA PRASAD, J**

Date: 30.01.2026  
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**HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD**

**WRIT PETITION NO: 14600 OF 2014**

Dt: 30.01.2026

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