

APHC010395242013



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

[3328]

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

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION Nos: 24832 of 2013, 26978 and 26985 of 2014

W.P.No.24832 of 2013:

Between:

1.M/S. VAISHNAVI CONSTRUCTIONS, REPRESENTED BY ITS
MANAGING PARTNER, B.ASHOK KUMAR, AGED: 49 YEARS,
HAVING ITS OFFICE AT H.NO: 67/99-AL , KOTA, KURNOOL CITY,
KURNOOL DISTRICT.

...PETITIONER

AND

1.THE KURNOOL MUNICIPAL CORPORATION, KURNOOL, REP BY ITS
COMMISSIONER.
2.ASSISTANT CITY PLANNER, KURNOOL MUNICIPAL CORPORATION,
KURNOOL

...RESPONDENT(S):

Counsel for the Petitioner:

1.A TULSI RAJ GOKUL

Counsel for the Respondent(S):

1.POTHAM VENGALA REDDY SC For M.Corporation in Rayalaseema
region In
2.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

W.P.No.26978 of 2014:

Between:

- 1.G. RAMALINGESWAR, KURNOOL DIST., BUSINESS, R/O H. NO. 40/787D-12, NEHRU NAGAR, KURNOOL, KURNOOL DISTRICT - 518 004.

...PETITIONER

AND

- 1.KURNOOL MUN CORP KURNOOL DIST 2 OTRS, KURNOOL DISTRICT REP. BY ITS COMMISSIONER.
- 2.THE CITY PLANNER KURNOOL MUNICIPAL CORPORATION, KURNOOL, KURNOOL DISTRICT.
- 3.THE DISTRICT COLLECTOR KURNOOL DISTRICT KURNOOL, -

...RESPONDENT(S):

Counsel for the Petitioner:

- 1.A SREEDHAR

Counsel for the Respondent(S):

- 1.POTHAM VENGALA REDDY SC For M.Corporation in Rayalaseema region In
- 2.GP FOR REVENUE (AP)

W.P.No.26985 of 2014:

Between:

- 1.SMT. N. DEEPIKA, KURNOOL, W/O N. KIRAN KUMAR, HINDU, AGED ABOUT 30 YRS, HOUSE WIFE, R/O. D. NO. 43/128-1, NEHRU NAGAR, KURNOOL - 518 004

...PETITIONER

AND

- 1.COMMISSIONER KURNOOL MUNICIPAL CORP KURNOOL DIST 2 OTH, KURNOOL, KURNOOL DISTRICT REP. BY ITS COMMISSIONER.
- 2.THE CITY PLANNER, KURNOOL MUNICIPAL CORPORATION, KURNOOL, KURNOOL DISTRICT.

3. THE DISTRICT COLLECTOR, KURNOOL DISTRICT, KURNOOL.

...RESPONDENT(S):

Counsel for the Petitioner:

1. A SREEDHAR

Counsel for the Respondent(S):

1. POTHAM VENGALA REDDY SC For M. Corporation in Rayalaseema region

2. GP FOR REVENUE (AP)

3. A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

The Court made the following:

ORAL COMMON ORDER:

Heard Sri A. Sreedhar, learned Counsel for the Writ Petitioners in W.P.Nos.26978 and 26985 of 2014 and also representing Ms. A. Tulsi Raj Gokul, learned Counsel for the Writ Petitioner in W.P.No.24832 of 2013 and Sri P. Vengala Reddy, learned Standing Counsel for Municipal Corporation.

2. The Writ Petition Nos.26978 and 26985 of 2014 impugn the Endorsement issued by the Kurnool Municipal Corporation dated 10.02.2014. Writ Petition No.24832 of 2013 impugns the Endorsement issued by the Kurnool Municipal Corporation dated 29.04.2013. The operative portion of the impugned Endorsement dated 10.02.2014 in W.P.No.26978 of 2014 is usefully extracted hereunder:

“The District Collector, Kurnool in his another letter Rc.No.B2/2807/94 dated 07-2-2007 stated that the Chief Commissioner of Land Revenue have sent an Interim report of House Committee on "Illegal occupation of properties of Christian Missionaries and Educational Institutions" presented on 17-5-2006 and requested to take immediate necessary action as per A.P. Education Act and other Acts to recover the illegal occupation of properties of Christian Missionary and Education Institutions in Kurnool Town.

For the reasons set forth, admittedly, the site of the applicant belong to the Christian Missionary property i.e., ECM School and it is a part and parcel of unauthorized Layout, and as such, no approval can be granted for the proposed construction of Stilt+4 floors to the applicant in the said site. Hence, the Building Application dated 4-2-2014 submitted by the applicant Sri G.Ramalingeswara is hereby returned with the said endorsement.”

3. The above extract clearly indicates that the Municipal Corporation has set out the reasons as to why approval for the layout cannot be granted. The above extract clearly indicates that the said land belongs to Christian Missionary Property i.e., ECM School and it is part and parcel of unauthorized layout.

4. On perusal of the Cause-title in the present Writ Petitions, it is noticed that the Petitioners have simply challenged the Endorsements issued by the Municipal Corporation dated 10.02.2014 and 29.04.2013 but had not taken steps to implead the Christian Missionary which holds the property namely ECM School as mentioned in the impugned Endorsements. These Writ Petitions have been pending on the file of this Court since the year 2013. Since no steps have been taken by the Petitioners to implead the necessary party namely the ECM School, this Court is of the opinion that the Writ Petitioners ought to have necessarily impleaded ECM School or the Management Body managing the ECM School. Since no steps have been taken by the Writ Petitioners since the years 2013 and 2014, this Court is of the view that the present Writ Petitions are bad for non-joinder of necessary parties.

5. Accordingly, these Writ Petitions are dismissed for the aforesaid reason. No order as to costs.

6. Needless to state that the Writ Petitioners are always at liberty to file fresh Writ Petitions, if so advised, since these Writ Petitions are dismissed not on merits, but on technical grounds. This Court is also of the opinion that the Writ Petitions, though filed in the years 2013 and 2014, the matter could be

adjudicated by this Court only now. Therefore, long passage of time in adjudicating the present Writ Petitions, shall not enure to the disadvantage of the Writ Petitioners since the act of the Court prejudices none (*Actus curiae neminem gravabit*).

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

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt:23.01.2026

Vns