

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

SATURDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V SUJATHA

WRIT PETITION (SR) NO:4982 OF 2025



Between:

Arcot Naziya, D/o. Arcot Mahaboob Basha, Aged about 30 Years,
R/o. D.No.2/297-5, Maruthinagar, Kadapa City & District. ...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration & Urban Development Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector cum Special Officer, Kadapa, Kadapa District.
3. The Kadapa Municipal Corporation, Rep. by its Commissioner, Kadapa Town & District. ...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action, things and deeds of Respondents in demolishing the front (building entrance) portion of the Petitioner's under constructing House in D.No.2-151-7-2, 2-151-7-3, Maruthi Nagar, Kadapa Town & District by 3rd Respondent which is illegal, irregular, arbitrary, against to the Principles of Natural Justice, contra to the provisions of A.P. Municipalities Act 1965 and in violation of Articles 14, 19, 21 and 300-A of Constitution of India, consequently direct the Respondents to permit the Petitioner to construct the demolished portion of the petitioner and also to pay damages to a tune of Rs.3,00,000/-.

IA (SR) NO: 01 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents not to demolish the house, further not to obstruct the re-construction of demolished portion on the front side of the Petitioner's House in D.No.2-151-7-2, 2-151-7-3, Maruthi Nagar, Kadapa Town & District pending disposal of Writ Petition

Counsel for the Petitioner : SRI M. YUVA SIVA SWAMY

**Counsel for the Respondent Nos.1 & 2 : GP FOR MUNICIPAL ADMN &
URBAN DEVELOPMENT**

**Counsel for the Respondent No.3 : SRI A.S.C BOSE,
SC FOR MUNICIPALITY**

The Court made the following: ORDER

Heard learned counsel for the petitioner and the learned Standing Counsel for the Municipal Corporation.

The learned Standing Counsel, on instructions, has stated that as the petitioner has encroached the road margin, the provisional notice was issued to the petitioner on 16.08.2024 for which the petitioner has failed to submit her explanation, as such confirmation notice was issued on 27.08.2024.

Thereafter, on receiving various complaints from the neighbors that the petitioner is constructing a compound wall duly encroaching the road margin which was in fact gifted in favour of the Municipal Corporation.

As such, the Commissioner in exercise of powers under Section 405 of the Municipal Corporation Act, 1955 has demolished the compound wall which in fact is constructed by encroaching the road margin, however, they have not interfered with the petitioner's building which was construction after duly obtaining the building sanction permission.

However, at the request of the learned Standing Counsel representing the 3rd Respondent for furnishing written instructions, list the matter on 11.02.2025 in the "Motion List".

In view of the said facts, till such time, all the parties are directed to maintain *status-quo* as on today.

Sd/-R. DURGA BHAVANI

//TRUE COPY//

R. Durga Bhavani 08/2/2025
COURT OFFICER

To,

1. The Principal Secretary, Municipal Administration & Urban Development Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector cum Special Officer, Kadapa, Kadapa District.
3. The Commissioner, Kadapa Municipal Corporation, Kadapa Town & District.
4. One CC to Sri M. Yuva Siva Swamy, Advocate [OPUC]
5. Two CCs to GP for Municipal Administration & Urban Development, High Court of Andhra Pradesh. [OUT]
6. One CC to Sri A.S.C. Bose, SC for Municipality (OPUC)
7. Three C.D. Copies.

Cnr

CNR

HIGH COURT

DATED:08/02/2025

HOUSE MOTION

POST ON 11.02.2025
IN THE MOTION LIST



ORDER;

WRIT PETITION (SR).No.4982 OF 2025

STATUS QUO