Date of reserved for orders :
Date of pronouncement :
Date of uploading :

APHC010794732013

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3457]
(Special Original Jurisdiction)

FRIDAY, THE 3rd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 17898/2026

Between:

1. MODUGULA VENUGOPALA REDDY,, S/O. LATE PAPI REDDY, AGED ABOUT 59 YEARS, OCC. BUSINESS, R/O. DOOR NO. 3-1-268, BRUNDAVAN GARDENS, GUNTUR, GUNTUR DISTRICT, ANDHRA PRADESH - 522006.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI - 522238.
2. THE GUNTUR MUNICIPAL CORPORATION, REPRESENTED BY ITS COMMISSIONER, GUNTUR - 522003.
3. THE COMMISSIONER, GUNTUR MUNICIPAL CORPORATION GUNTUR - 522003.
4. THE CAPITAL REGION DEVELOPMENT AUTHORITY, REPRESENTED BY ITS COMMISSIONER, RAYAPUDI, AMARAVATI, GUNTUR DISTRICT - 522237.

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the impugned Notice bearing Roc.No.706541/2022/G1, dated 18.06.2026, issued by the 3rd respondent under Sections 405 and 406 of the Andhra Pradesh Municipal Corporations Act, 1955, as illegal, arbitrary, without jurisdiction, contrary to the provisions of the Transfer of Property Act, 1882, the Registration Act, 1908, the Andhra Pradesh Municipal Corporations Act, 1955 and violative of Article 300-A of the Constitution of India, and consequently set aside the impugned Notice bearing Roc.No.706541/2022/G1, dated 18.06.2026 and further restrain the respondents from interfering with the petitioner's peaceful possession and enjoyment of the petition schedule property admeasuring 613.73 square metres (734 square yards), bearing Door No.3-1-268 (Old D.No.29 of Nallapadu), situated in T.S. No.29, Brundavan Gardens Guntur, Andhra Pradesh and pass

IA NO: 1 OF 2026

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 pleased to stay of all further proceedings pursuant to the notice Roc.No.706541/2022/G1 dated 18-06- 2026, issued by the 3^'^ respondent under Sections 405 and 406 of the Andhra Pradesh Municipal Corporations Act, 1955, with respect to the petition schedule property bearing Door No.3-1- 268 (Old D.No.29 of Nallapadu), Brundavan Gardens, Guntur pending disposal of the this Writ Petition and pass

Counsel for the Petitioner:

1. BHOOMA MAHARSHI REDDY

Counsel for the Respondent(S):

1. GP MUNCIPAL ADMN AND URBAN DEV AP

ORDER:

1. The petitioner is aggrieved by the issuance of notice dated 18.06.2026, whereby the petitioner has been called upon to remove the encroached compound wall over the land admeasuring 63.99 square meters.

2. The learned counsel for the petitioner submits that the petitioner is the owner of the property admeasuring 734 square yards and has constructed a residential house. It is submitted that the building was regularized under the Building Penalization Scheme (BPS). It is further submitted that, at that relevant point of time, the petitioner executed an undertaking dated 12.03.2019 in favour of the 2nd respondent, agreeing to hand over 65 square meters of property belonging to the petitioner, which was proposed to be affected by the road development plan. It is submitted that, though such an undertaking was issued executed, no registered gift deed was executed by the petitioner and, therefore, in the absence of a registered gift deed, the 3rd respondent could not have issued the impugned notice under Section 406 of the Andhra Pradesh Municipal Corporations Act, 1955.

3. The learned Standing counsel appearing for respondent Nos.2 and 3 submits that the petitioner had earlier filed W.P.No.10330 of 2026, whereby this Court observed that the petitioner was not entitled to any compensation and, accordingly, declined to grant interim

protection in the writ petition filed seeking stay of the further proceedings pursuant to the impugned action of road widening which would result in demolition of a portion of the petitioner's property. The petitioner had also sought compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It is submitted that the said writ petition was subsequently withdrawn.

4. After hearing the learned counsel for the parties for some time, this Court expressed the view that the petitioner is bound to surrender the road-affected portion of the property in terms of the undertaking dated 12.03.2019. Considering the request made by the learned counsel for the petitioner, one month's time from today is granted to the petitioner to surrender the road-affected portion of the property to the respondents.

5. Accordingly, the present writ petition is disposed off, granting the petitioner one month's time from today to surrender the road-affected portion of the property belonging to the petitioner, in terms of the undertaken dated 12.03.2019. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE HARINATH.N

Date:03.07.2026
NKA

Whether the order is*:*
Speaking YES/NO / Recorded YES/NO
Reportable YES/NO / Non-Reportable YES/NO

14

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 17898 of 2026

Date: 03.07.2026

NKA