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APHC010434802018

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

WEDNESDAY, THE 1st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 20292/2018

Between:

1. JAMAT-E-MUJAAWARS OF DARGAH HAZRATH GHALIB SHAHID (R.A.), BHAVANIPURAM, VIJAYAWADA, KRISHNA DISTRICT, A.P., REP. BY ITS PRESIDENT MR. MUSHTAQ AHMED S/O. ABDUL JALEEL, AGED 46 YEARS, OCC BUSINESS, RIO. D. NO. 76-2-21, BHAVANIPURAM, VIJAYAWADA, KRISHNA DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY. REVENUE DEPARTMENT, SECRETARIAT, AMRAVATHI, VELAGAPUDI, GUNTUR DISTRICT, A.P.
2. THE VIJAYAWADA MUNICIPAL CORPORATION, HAVING OFFICE AT MUNICIPAL COMMISSIONER, VIJAYAWADA KRISHNA DISTRICT, A.P.

...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 a Writ or Writs more appropriately a Writ of Mandamus declaring the action of the respondents No. 2 in acquiring the land in Sy. No. 10 situated at Bhavanipuram, Vijayawada, Krishna District, A.P., admeasuring Ac. 3.10 guntas for laying of road and drainage pipe lines without issuing any acquisition proceedings is illegal, void, ultra virus and unconstitutional and

consequently direct the respondent No. 2 to pay the compensation at market value for the land Ac. 3.10 guntas situated at Bhavanipuram, Vijayawada, Krishna District, A.P., in the interest of justice and equity and to pass

IA NO: 1 OF 2018

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 respondent No. 2 to pay the compensation at market value for the land Ac. 3.10 guntas situated at Bhavanipuram, Vijayawada, Krishna District, A.P., pending disposal of the Writ Petition in the interest of justice and equity and to 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 May be pleased to grant leave to the petitioner herein/Respondent No.2 in the Writ Petition No.20292 of 2018 to file Counter affidavit in the above Writ Petition and pass

Counsel for the Petitioner:

1. T S VENKATARAMANA

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)
2. S.V.S.S.SIVARAM SC For VMC

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 20292 of 2018

ORDER:

Learned counsel for the petitioner submits that the petitioner represents Jamat-E-Mujaawars of Dargah Hazrath Ghalib Shahid (R.A.), Bhavanipuram, Vijayawada. It is submitted that the petitioner Committee is in possession and management of an extent of Ac.45.76 cents in Sy.No.10, of land and that the said property is recorded in the Gazette published by the Waqf Board. It is further submitted that, in the process of road widening and laying of drainage pipelines, the 2nd respondent has taken over a portion of the petitioner's property without following the due process of acquisition. According to the petitioner, an extent of Ac.2.96 cents was utilized for laying of the road and Ac.0.14 cents for laying of the drainage pipeline, thereby depriving the petitioner of Ac.3.10 cents of land without payment of any compensation. It is submitted that the petitioner has approached the respondent authorities seeking grant of compensation or such other benefits as are extended to private land owners whose lands are utilized for road widening or other public purposes.

2. It is submitted that the petitioner is entitled to compensation in accordance with law, as the respondents have utilized the petitioner's land for public purposes without initiating acquisition proceedings.

3. Heard the learned counsel for the petitioner and Sri S.V.S.S. Siva Ram, learned Standing Counsel appearing for the 2nd respondent.

4. During the course of hearing, the learned Standing Counsel appearing for the 2nd respondent, referring to the counter affidavit, submits that the petitioner had developed the property in its possession by constructing buildings thereon and that, during the years 2015 to 2017, the road and drainage were laid to provide proper access to the petitioner's property. It is submitted that the said works were undertaken at the request of the petitioner and that the petitioner submitted a representation seeking compensation only on 20.01.2018, after voluntarily requesting the laying of the road and drainage. It is, however, further submitted that, pursuant to G.O.Ms.No.223 and G.O.Ms.No.4 dated 09.01.2025, a Scrutiny Committee has been constituted for determining the eligibility of applicants for grant of compensation/TDR in respect of lands utilized for public purposes.

5. Recording the aforesaid submissions, this writ petition is disposed of directing the 2nd respondent to forward the petitioner's application to the Scrutiny Committee constituted under the aforesaid Government Orders for determination of the petitioner's eligibility for grant of compensation/TDR. It is needless to observe that, upon receipt of the application, the Scrutiny Committee shall consider the same in accordance with law and pass appropriate orders as expeditiously as possible. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:01.7.2026
RSD

Whether the order is:

Speaking		Reasoned	☑
Reportable		Non-reportable	☑

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RSD