APHC010502352025

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

MONDAY, THE 27th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 26898/2025

Between:

1. GIRUMALA GANGABHAVANI, W/O.AJAY, AGED 50 YRS, R/O. D.NO.1-12-14, VELLANKI VARI STREET, NAJAMPETA, TENAII, GUNTUR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPT, SECRETARIAT (BULDGS), VEIAGAPUDI, AMARAVATI, TULLURU MANDAL, GUNTUR DIST.
2. TENAII MUNICIPALITY, REP BY ITS COMMISSIONER, TENAII, GUNTUR (D)
3. SMT PERUGU JHANSI LAKSHMI, W/O. KOTESWARA RAO, AGED 55 YEARS,
4. PERUGU KOTESWARA RAO, S/O. NOT KNOWN, AGED 60 YEARS, BOTH R/O. D.NO.1-12-14, VELLANKIVARISTREET, NAJARUPETA, TENAII, GUNTUR (D).

...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 a Writ, Order or Direction more particularly one in the nature of Writ of Writ of Mandamus declaring action of the 2nd Respondent in not removing the unauthorized gate erected by 3and4 Respondents in front of Petitioner house D.No. 1-12-14, Vellankivaristreet,

Najarupeta, Tenaii, Guntur (D) without having any irght towards eastern side without permission as required u/s 191 and 208 of the Act. 1995, thereby preventing nostalgic access of Petitioner into house towards east is as illegal, arbitrary and violatix of Article 14, 19(1)(d), 21 and 300-A of the Constitution of India and consequently to allow the Petitioners into their house D.No.1-12-14, Vellankivaristreet, Najarupeta, Tenaii, Guntur (D) from East to South way through subject gate, also remove the subject gate as per Law which was erected without permission by the Respondent No.3 and 4, pending disposal of the above Writ Petition and pass

IA NO: 1 OF 2025

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 directing the Respondents to allow the Petitioners into their house D.No. 1-12-14 Veliankivaristreet, Najarupeta, Tenali, Guntur (D) from East to South way through subject gate, also remove the subject gate as per Law which was erected without permission by the Respondent No.3 and 4, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1. K K DURGA PRASAD

Counsel for the Respondent(S):

1. Sireesha Rani Vallabhaneni,Standing Counsel For Municipalities
2. DULLA SRINIVASA RAO
3. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following <u>Order:-</u>

The present Writ Petition is filed questioning the action of respondent No.2 in not removing the unauthorized gate allegedly erected by respondent Nos.3 and 4 in front of the petitioner's house bearing Door No.1-12-14, Vellankivari Street, Najarupeta, Tenali, Guntur District.

2. The learned counsel for the petitioner submits that the petitioner succeeded to the subject property by virtue of a registered Settlement Deed dated 04.10.2018 and has been using the road on the northern side for ingress and egress. It is contended that respondent Nos.3 and 4 ought to have obtained permission from respondent No.2, as mandated under Sections 191 and 208 of the A.P. Municipalities Act, 1965, before erecting the gate.

3. While admitting the writ petition, this Court directed the petitioner to take out notice to respondent Nos.3 and 4. Respondent Nos.3 and 4 have filed a counter affidavit stating that the passage in question is the private property of respondent Nos.3 and 4 and that the petitioner has no right over the same. It is further stated that a copy of the document bearing No.28.02.1985 has been filed along with the memo in support of their claim.

4. The claim of the petitioner asserting easementary rights over the subject passage and the exclusive ownership claim of respondent Nos. 3 and 4 in respect of the said passage are matters which have to be considered and adjudicated by the competent Civil Court.

5. Accordingly, it is left open to the petitioner to approach the competent Civil Court, if so advised. In the event the petitioner approaches the Civil Court, the learned Civil Judge shall consider the matter on its own merits and in accordance with law, without being influenced by any of the observations made in this order.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed

JUSTICE HARINATH.N

27.07.2026
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40

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 26898/2025

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