IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF JULY

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 14762 OF 2024

Between:

1. Mandalapu Satyanarayana, S/o. Mandalapu Suryanarayana, aged about 40 years, R/o. 3-24/1, Tulasi Taraka Timber Depot main road, Near Chandra Theatre, Gosala, Kankipadu, Krishna District.
2. Mandalapu Prabhavathi, W/o.Peraiah, aged about 49 years, R/o.7-184, Botla Gudur Village, Pamur Mandal, Prakasam District.

...PETITIONERS

AND

1. The State of Andhra Pradesh, Rep by its Secretary, Roads and Buildings Department, Secretariat Buildings, Amaravati, Andhra Pradesh.
2. The Chief Engineer, Roads and Buildings, RSW, Ibrahimpatnam, Vijayawada, NTR District Erst while Krishna District.
3. The Executive Engineer, Roads and Buildings Division, Prakasam District.
4. The Superintending Engineer, Roads and Buildings Circle, Prakasam District.
5. The Mandal Revenue Ofiicer, Pamur Mandal, Prakasam District.

...RESPONDENTS

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 to issue a Writ, Order or direction more particularly one in the nature of ***WRIT OF MANDAMUS*** declaring the action of the respondent

no.2 to 5 in trying to demolish the petitioners shops in an extent 133 sq.yds bearing D.no.3-157, 3-158, 3-159, 3-165, and D.No.3-161, 3-162, 3-163, 3-164 respectively at BotlaGugur Village, Pamur Mandal, Prakasam District under the guise of extension of R&B road of Kanigiri to Kambaladinne that too even without issuing a notice to the petitioners as illegal, arbitrary, unconstitutional and violation of principles of natural justice, article 21, 300A of constitution of India and consequently direct the respondents to not to demolish petitioners shops in an extent 133 sq.yds bearing D.no.3-157, 3-158, 3-159, 3-165, and D.No.3-161, 3-162, 3- 163, 3-164 respectively at BotlaGugur Village, Pamur Mandal, Prakasam District under the guise of extension of R&B road of Kanigiri to Kambaladinne.

IA NO: 1 OF 2024

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 respondents to not to take any coercive steps against petitioners shops in an extent 133 sq.yds bearing D.no.3-157, 3-158, 3-159, 3-165, and D.No.3-161, 3-162, 3-163, 3-164, at Botla Gugur Village, Pamur Mandal, Prakasam District pending disposal of the above writ petition.

Counsel for the Petitioners: SRI. PILLIX LAW FIRM

Counsel for the Respondent Nos. 1 to 4: GP FOR ROADS BUILDINGS

Counsel for the Respondent No. 5: GP FOR REVENUE

The Court made the following: ORDER

APHC010296532024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3329]
(Special Original Jurisdiction)

THURSDAY ,THE ELEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 14762/2024

Between:

MandalapuSatyanarayana, and Others ...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others ...RESPONDENT(S)

Counsel for the Petitioner(S):

1. PILLIX LAW FIRM

Counsel for the Respondent(S):

1. GP FOR ROADS BUILDINGS
2. GP FOR REVENUE

The Court made the following:

ORDER:-

1. This writ petition is filed claiming the following relief:

> *"...to issue a Writ, order or direction more particularly in the form of writ of Mandamus declaring the action of the Respondent Nos.2 to 5 in trying to demolish the petitioners shops in an extent 133 Sq yards bearing D.No.3-157, 3-158, 3-159, 3-165 and D.No.3-161, 3-162, 3-163, 3-164 respectively at Botla Gugur Village, Pamur Mandal, Prakasam District under the guise of extension of R&B road of Kanigiri to Kambaladinne that too even without issuing a notice to the petitioners as illegal, arbitrary, unconstitutional and violation of principles of*

natural justice, article 21, 300A of Constitution of India and consequently direct the Respondents to not to demolish petitioners shop in an extent 133 sq.yardsbearing D.Nos.3-157, 3-158, 3-159, 3-165 and D.No.3-161, 3-162, 3-163, 3-164 respectively at BotlaGugur Village, Pamur Mandal, Praksasam District under the guise of extension of R&B road of Kanigiri to Kambaladinneand to pass such other order or orders..."

2. The case of the petitioners is as follows:

3. The petitioners herein are the absolute owners and possessors of the land in an extent of Ac.0.26 cents situated in Sy.No.897 at Botla Gugur Village, Pamur Mandal, Prakasam District having acquired through a registered sale deed, dated 07.03.2022. In which, the petitioners have constructed commercial shops in an extent of 133 Sq.yds with R.C.C. roof (G+1) bearing D.No.3-157, 3-158, 3-159, 3-165 and D.No.3-161, 3-162, 3-163, 3-164 respectively.

4. Learned counsel petitioners submits the Respondents herein without issuing any notice and without following due process of law, they approached the premises of the petitioners on 10.07.2024 and informed that for the extension of Kanigiri to Kambaladinne road, the subject building/petitioners' shops may be demolished within a day or two. Hence the writ petition.

5. On the other hand, the learned Government Pleader for the Respondents submits that Respondent Nos.1 to 4 are no way concerned with the subject property of the petitioners. The alleged proposed action of road widening is not initiated by Respondent Nos.1 to 4. The subject road is declared as National Highway and it might requires initiation of action by the

National Highways Authority of India (NHAI). Therefore, Respondent Nos.1 to 4 are no way concerned with the alleged proposed demolition in respect of the petitioners' property/shops.

6. Heard learned counsel for the petitioners and learned Government Pleader for the Respondents.

7. Having regard to the submissions made by the learned counsel for both the parties, it is settled principle of law, if the Respondents intend to make any developments through the petitioners' property, they are under statutory obligation to follow the due process as contemplated under the law.

8. Therefore, the Respondents herein are hereby specifically directed that if they have intended to take any coercive steps in respect of the petitioners' property much less demolition of the structures of the petitioners, they shall follow the due process as contemplated under the law.

9. Accordingly, with the above direction, the writ petition is disposed of, at the stage of admission, with the consent of both the parties. There shall be no order as to costs.

10. Consequently, miscellaneous applications pending if any, shall stand closed.

SD/- U. SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Roads and Buildings Department, Secretariat Buildings, Amaravati, Andhra Pradesh.
2. The Chief Engineer, Roads and Buildings, RSW, Ibrahimpatnam, Vijayawada, NTR District Erstwhile Krishna District
3. The Executive Engineer, Roads and Buildings Division, Prakasam District.

4. The Superintending Engineer, Roads and Buildings Circle, Prakasam District.
5. The Mandal Revenue Officer, Pamur Mandal, Prakasam District.
6. One CC to Pillix Law Firm, Advocate [OPUC].
7. Two CCs to GP for Roads & Buildings, High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP for Revenue (AP), High Court Of Andhra Pradesh. [OUT]
9. **Three CD Copies**

SS

District.

HIGH COURT

DATED:11/07/2024

ORDER

WP.No.14762 of 2024



DISPOSAL OF THE WRIT PETITION

WITHOUT COSTS