IN THE HIGH COURT OF ANDHRA PRADESH::AMARAVATI

(Special Original Jurisdiction)

FRIDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 3443 OF 2025

Between:

Budda Muni Mohan, S/o. B.Nagaraja, Age 41 Years, D.No. 17-502, Ward.No.17, Panagallu, Railway Station Road, Near PN Road, Srikalahasti Municipality, Tirupati, AP.

...PETITIONER

AND

1. Union of India, Rep.by its Secretary, Ministry of Railways, Rail Bhawan Rafi Marg, New Delhi-110001.
2. The Divisional Manager, South Central Railway, Guntakal Ananthapuram District.
3. The Superintending Engineer (PW), South Central Railways, Srikalahasti, Chittoor (Tirupati) District.
4. The Station Superintendent, South Central Railways, Srikalahasti, Chittoor (Tirupati) District.
5. State of Andhra Pradesh, Rep.by.its Principal Secretary to Government, Municipal Administration and Urban Development Department, Velagapudi, Amaravati.

6. The Srikalahasti Municipality, Rep.by. its Commissioner Srikalahasti, Tirupati District.

7. The Municipal Commissioner, Srikalahasti Municipality, Tirupati 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 an appropriate Writ more particularly one in the nature of WRIT OF MANDAMUS. Order, or Direction declaring the action of the Respondents in jointly contemplating/trying to demolish the residential building (G+2) situated at D.No.17-502, Ward No.17, Panagallu, Railway Station Road, Srikalahasti Municipality, without issuing prior notice, without due process of law, and in violation of the principles of natural justice, fundamental and statutory and contrary to the provisions of the A.P.Municipalities Act, 1965 and Consequentially, direct the Respondent/s to not to interfere with the property of the Petitioner i.e. building (G+2) bearing no.17-502, Ward.No.17, Pangallu, Railway Station Road, Near PN Road, Sri Kalahasti Municipality, Tirupati.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased maybe pleased to direct the respondents not to take any coercive action more particularly any demolition steps against the residential building (G+2) situated at D.No.17-502, Ward No.17, Panagallu, Railway Station Road, Srikalahasti Municipality.

Counsel for the Petitioner: SRI DHEERA KANISHKA

Counsel for the Respondent Nos.1 to 4: SRI PASALA PONNA RAO

(DEPUTY SOLICITOR GENERAL

OF INDIA)

Counsel for the Respondent No.5: GP FOR MUNICIPAL

ADMINISTRATION AND URBAN

DEVELOPMENT

Counsel for the Respondent Nos.6 & 7: SRI SIRISHA RANI

(SC FOR MUNICIPALITY)

The Court made the following: ORDER

APHC010065652025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [0]
(Special Original Jurisdiction)

FRIDAY ,THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 3443/2025

Between:

Budda Muni Mohan ...**PETITIONER**

AND

Union Of India and Others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1. DHEERA KANISHKA

Counsel for the Respondent(S):

1.

The Court made the following:

ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India, to issue writ of mandamus declaring the action of the respondents in jointly contemplating/trying to demolish the residential building (G+2) situated at D.No.17-502, Ward No.17, Panagallu, Railway Station Road, Srikalahasti Municipality, without issuing prior notice, without due process of law and contrary to the provisions of A.P. Municipalities Act, 1965 and consequently direct the respondents not to interfere with the property of the petitioner.

2. Learned counsel for the petitioner submits that, the petitioner is the absolute owner and possessor of the property in question, comprising Plot No.62 (32.55 sq.yards) and Plot No.4 (120 sq.yards) situated in Sy.No.257/3. The petitioner obtained valid building permit from the Srikalahasti Municipality on 16.09.2022. He submits that, the petitioner has been in possession and enjoyment of the subject property from the date of acquisition. He submits that Respondent Nos.2 & 3 have already laid road to access the Srikakulam Railway Station connecting to the main road of Respondent No.6 Municipality.

3. Learned counsel for the petitioner further submits that, even after laying the road, now the respondents are trying to demolish the subject property under the guise of road widening and beautification, without issuing any prior notice or without initiating any acquisition proceedings. He submits that, the

respondents cannot interfere with the peaceful possession and enjoyment of the petitioner without following due process of law.

4. Sri Tenepalli Niranjan, learned Standing Counsel appearing for Respondent Nos.2 to 4; Smt. Sireesha Rani Vallabhaneni, learned Standing Counsel appearing for Respondent Nos.6 & 7 and learned Government Pleader for Respondent No.5/MAUD would submit that, the respondents are not taking any steps for demolishing the residential building of the petitioner, as alleged. But, Respondent Nos.2 & 3 are demarcating the subject road to Srikalahasti Railway Station, for which, they are conducting survey and demarcation. They submit that, Respondent Nos.2 to 4 hereby assures that, without following due process of law, the respondents would not interfere with the property of the petitioner.

5. Heard learned counsel for the petitioner, Sri Tenepalli Niranjan, learned Standing Counsel appearing for Respondent Nos.2 to 4; Smt. Sireesha Rani Vallabhaneni, learned Standing Counsel appearing for Respondent Nos.6 & 7 and learned Government Pleader for Respondent No.5/MAUD.

6. When the petitioner is in settled possession and enjoyment of the property, the respondents are not entitled to interfere with the possession and enjoyment of the petitioner and such highhanded action of the respondents would amount to depriving the petitioner's violating constitutional right guaranteed under Article 300-A of the Constitution of India, besides violation of Article 14 of the Constitution of India. Even assuming for a moment that this

petitioner's possession is illegal, still, the petitioner is required to be afforded an opportunity before taking appropriate action and in view of the law declared by the Apex Court in "***Rame Gowda (dead) by L.Rs. v. M.Varadappa Naidu (Dead) by L.Rs***.[1], when the petitioner is in settled possession and enjoyment of the property, he cannot be dispossessed, without following due process of law.

7. With the above direction, the writ petition is disposed of, with the consent of both the counsel. No costs.

8. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

[1] **2004 (1) SCC 769**

SD/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Ministry of Railways, Union of India, Rail Bhawan Rafi Marg, New Delhi-110001.
2. The Divisional Manager, South Central Railway, Guntakal Ananthapuram District.
3. The Superintending Engineer (PW), South Central Railways, Srikalahasti, Chittoor (Tirupati) District.
4. The Station Superintendent, South Central Railways, Srikalahasti, Chittoor (Tirupati) District.
5. Principal Secretary to Government, Municipal Administration and Urban Development Department, State of Andhra Pradesh, Velagapudi, Amaravati.
6. The Commissioner, Srikalahasti Municipality, Srikalahasti, Tirupati District.
7. The Municipal Commissioner, Srikalahasti Municipality, Tirupati District
8. Two CCs to GP for Municipal Administration and Urban Development, High Court of Andhra Pradesh [OUT]

9. One CC to Pasala Ponna Rao, Deputy Solicitor General of India [OPUC]

10. One CC to Sri Dheera Kanishka, Advocate [OPUC]

11. One CC to Sri Sirisha Rani, SC for Municipalities, [OPUC]

12. Two CD Copies.

MBT

HIGH COURT

DATED:07/02/2025

ORDER

WP.No.3443 of 2025



DISPOSING THE W.P

WITHOUT COSTS