IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

FRIDAY ,THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 28261 OF 2024

Between:

Maddali Venkata Chaithanya Sandeep, S/o Kameswara Rao, Aged about 35 years, Occ. Business, R/o D.No.5-21-26,2/3 Brodipeta, Guntur, Guntur District

...PETITIONER

AND

1. The State Of Andhra Pradesh, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District
2. The Guntur Municipal Corporation, Represented by its Commissioner, Guntur Municipal Corporation Office, Guntur, Guntur 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 or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents herein particularly Respondent No.2 in touching upon the Petitioner's building situated at D.No.6-19-38, Brodipeta, Guntur, Guntur District (Shop No. 25 given by Municipality) and giving markings without

having any right or authority highhandedly and subjecting the Petitioner to distress as nothing but illegal, erroneous, highhanded and violative of Article 14, 19 (i) (g), 21 and 300 A of the Constitution of India and consequently direct the Respondents much less the Respondent No.2 not to meddle with the Petitioners' building situated at D.No.6-19-38, Brodipeta, Guntur, Guntur District (Shop No. 25 given by Municipality).

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 may be pleased to direct the Respondent no.2 not to meddle with the Petitioner's peaceful possession and enjoyment of the building situated at D.No.6-19-38, Brodipeta, Guntur, Guntur District (Shop No. 25 given by Municipality), pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. A K KISHORE REDDY

Counsel for the Respondents: GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following: ORDER

APHC010541952024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 28261/2024

Between:

Maddali Venkata Chaithanya Sandeep ...**PETITIONER**

AND

The State of Andhra Pradesh and others ...**RESPONDENT(S)**

Counsel for the Petitioner:

1.A K KISHORE REDDY

Counsel for the Respondent(S):

1.GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORDER :

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

> *".... to issue a Writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents herein particularly Respondent No.2 in touching upon the Petitioner's building situated at D.No.6-19-38, Brodipet, Guntur, Guntur District (Shop No.25 given by Municipality) and giving markings without having any right or authority highhandedly and subjecting the petitioner to distress as nothing but illegal, erroneous, highhanded and violative of Article 14, 19(i)(g), 21 and 300-A of the Constitution of India and consequently direct the Respondents much less the Respondent No.2 not to meddle with the petitioner's building situated at D.No.6-19-38, Brodipet, Guntur, Guntur District (Shop No.25 given by Municipality)....."*

2. Heard learned counsel for the petitioner and learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and learned Standing Counsel for Guntur Municipal Corporation for respondent No.2.

3. During the course of hearing, learned counsel for the petitioner would submit that the issue involved in this Writ Petition is squarely covered by the order dated 22.01.2025 passed by this Court in W.P.No.1400 of 2025 and requested to pass a similar order in this Writ Petition also. The same is not disputed by the learned counsel appearing for the respondents. The operative portion of the said order, reads as under:

"....In view of the same, instead of keeping the writ petition pending, the writ petition is disposed of directing the 2nd respondent not to interfere with the possession of the petitioner without following the procedure as contemplated under the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013."

4. In view of the same, for the reasons alike in the aforesaid order, this Writ Petition is also disposed of, in terms of the order, dated 22.01.2025 passed by this Court in W.P.No.1400 of 2025. There shall be no order as to costs.

5. Registry is directed to attach the copy of the order, dated 22.01.2025 passed by this Court in W.P.No.1400 of 2025 to this order. No order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

SD/- N NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Municipal Administration and Urban Development Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District
2. The Commissioner, Guntur Municipal Corporation, Guntur Municipal Corporation Office, Guntur, Guntur District
3. One CC to SRI A K KISHORE REDDY Advocate [OPUC]
4. Two CCs to GP MUNCIPAL ADMN AND URBAN DEV AP, High Court of Andhra Pradesh [OUT]
5. Three CD Copies

(Along with Copy of Orderd dated 22.01.2025 in WP. No. 1400 of 2025)

HIGH COURT

DATED:31/01/2025

ORDER

WP.No.28261 of 2024



WRIT PETITION IS DISPOSED OF WITHOUT COSTS

APHC010025772025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 1400/2025

Between:

Gudipudi Anjani Kumari, **...PETITIONER**

AND

The State of Andhra Pradesh and another **...RESPONDENT(S)**

Counsel for the Petitioner:

1.A K KISHORE REDDY

Counsel for the Respondent(S):

1.GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORDER :

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

> *".... to issue a Writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents herein particularly Respondent No.2 in touching upon the Petitioner's building situated at D.No.6-19-38/2, Arundalpet, Guntur City, Guntur District (Shop No.24 given by Municipality) and giving markings without having any right or authority highhandedly and subjecting the petitioner to distress as nothing but illegal, erroneous, highhanded and violative of Article 14, 19(i)(g), 21 and 300-A of the Constitution of India and consequently direct the Respondents much less the Respondent No.2 not to meddle with the petitioner's building situated at D.No.6-19-38/2, Arundalpet, Guntur City, Guntur District (Shop No.24 given by Municipality) without following the procedure contemplated under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013....."*

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and learned Standing Counsel for respondent No.2.

3. The petitioner is the absolute owner and possessor of the house bearing Door No.6-19-38/2, Arundalpet, Guntur City, Guntur District (shop No.24 given by Municipality), where the petitioner is residing and carrying on his own business. While the matter being so, the respondents are intending to give markings to their shop for road widening purpose without following due process of law and without paying fair compensation to her. However, the case of the petitioner is also that the respondents have orally informed that they will give TDR certificate instead of fair compensation.

4. Today, when the matter came up for hearing, Mr.A.S.C.Bose, learned Standing Counsel for respondent No.2, on instructions, informed this Court that they are intending to issue a notice under Section 146 of APMC Act, 1955, to the petitioner and follow the procedure as contemplated under Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955 much less the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013.

5. In view of the same, instead of keeping the writ petition pending, the writ petition is disposed of directing the 2nd respondent not to interfere with the possession of the petitioner without following the procedure as contemplated under the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013.

6. With the above direction, the Writ Petition is disposed of. No costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE V.SUJATHA

Date: 22.01.2025
KGR