APHC010552342026

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

Thursday, the 29th day of October, 2026

Present

The Honourable Ms. Justice B. S. Bhanumathi

Writ Petition No. 30132 of 2026

Between:

1. M/s. Vijayalakshmi Projects L.L.P., Floor No.GF 114, Door No.18-7-14, Krishna Nagar Port Colony, Krishna Nagar, Madhurawada, Visakhapatnam, represented by its Managing Director, Neralla Narayana Rao, S/o. Suryanarayana, age not known, R/o. Road No. 5-168, 3GP 103, Gollala Yendada, Ward 6, Daspalla Layout, Yendada, Visakhapatnam, Andhra Pradesh, 530045.

... Petitioner

and

1. The State of Andhra Pradesh, represented by its Principal Secretary, Panchayat Raj and Rural Development Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh, PIN 522238.

2. The Commissioner, Panchayat Raj and Rural Development Department, Government of Andhra Pradesh, Tadepalli, Guntur District, PIN 522 501.

3. The District Collector (Panchayat Raj Wing), Vizianagaram district, Vizianagaram, PIN 535501.

4. Kopperla Gram Panchayat, represented by its Panchayat Development Officer / Secretary, Kopperla village, Poosapatirega mandal, Vizianagaram district, 535 204.

... Respondents

Counsel for the petitioner

1. Bonu Rama Shankar Rao

Counsel for the respondents

1. Government Pleader for Panchayat Raj and Rural Development

The Court made the following Order:

This writ petition is filed under Article 226 of the Constitution of India by declaring the action of the respondent No.4 in rejecting the petitioner's application for issuance of 'No Objection Certificate' for establishment of hot mix plant in Kopparla village, Poosapatirega mandal, Vizianagaram district vide letter No. 03/2026, dated 08.10.2026, as illegal, arbitrary and also violation of A.P.Panchayat Raj Act and violation of Article 14, 19 and 21, of the Constitution of India and consequently direct the respondent No.4 to permit the petitioner for establishment of Hot Mix Plant in L.P.Nos.663 and 664 and S.Nos. 52/16, 17, 18 and 19, Kopparla village, Poosapatirega mandal, Vizianagaram district and to pass such other order or orders which this Court deems fit in the interest of justice.

02. The case of the petitioner, stated briefly, is as follows:

The petitioner firm is a contractor of works of laying roads etc., The petitioner, entered into lease agreement dated 12.09.2026 with Patiwada Ramakrishna for establishment of hot mix plant for a period between 12.09.2026 and 11.08.2027 on the land in L.P. Nos. 663 & 664 and S. Nos. 52/16, 17, 18 and 19, Kopparla village, Poosapatirega mandal, Vizianagaram district which is possessed and owned by Patiwada Ramakrishna. The petitioner submitted an application for issuance of 'No Objection Certificate' for establishment of hot mix plant in the subject site, but without verifying the genuineness of the dispute said to be raised by Lankapalli Venkatagiri Ramesh by filing a suit in O.S.No.22 of 2018 on the file of Principal District Judge Court, Vizianagaram in respect of the subject land, the

issuance of the certificate was refused by the proceeding vide letter 03/2026 dated 08.10.2026. Hence, this writ petition was filed.

03. The learned counsel for the petitioner contended that there is no prohibitory order in the said suit, merely because of the pendency of the suit, the issuance of 'No Objection Certificate' was refused.

04. The learned standing counsel for the gram panchayat submitted that the impugned order is appealable under section 128 of the Andhra Pradesh Panchayat Act, 1994 and therefore the writ petition is not maintainable.

> "**Section 128. Appeal from the order of Executive Authority:-**
>
> (1) An appeal shall lie to the Gram Panchayat from
>
> (a) any order of the Executive Authority granting, refusing suspending or revoking a licence or permission;
>
> (b) any other order of the Executive Authority that may be made appealable by rules made under Section 268.
>
> (2) A second appeal shall lie from the decision of the Gram Panchayat passed in an appeal under sub-section (1) to such authority as may be prescribed whose decision thereon shall be final."

05. In view of the above provision of law, the writ petition is disposed of granting liberty to the petitioner to file an appeal before the appropriate authority against the impugned order and on such filing, the same shall be disposed of by the appellate authority within one week therefrom by hearing the petitioner /appellant.

There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE B.S. BHANUMATHI

Date: 29.10.2026
Note : Issue C.C. by 30.10.2026
GRL

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THE HONOURABLE MS JUSTICE B.S.BHANUMATHI

WRIT PETITION NO:30132 of 2026

Date: 29.10.2026
Note : Issue C.C. by 30.10.2026
GRL