APHC010578522026

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

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 31756/2026

Between:

1. KOTHAMASU VENKATA KRISHNA PANDU VITTAL, S/O VEERABHADRA RAO, AGED ABOUT 65 YEARS RESIDING AT D.NO 4-369/2, NEAR SAIBABA TEMPLE NOWLURU VILLAGE, MANGALGIRI 522503 ANDHRA PRADESH

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, SECRETARIAT BUILDINGS, AMARAVATI, GUNTUR DISTRICT.
2. THE ANDHRA PRADESH CAPITAL REGION DEVELOPMENT AUTHORITY AP CRDA, REPRESENTED BY ITS COMMISSIONER, LENIN CENTRE, VIJAYAWADA.
3. THE DISTRICT COLLECTOR, GUNTUR DISTRICT, GUNTUR.
4. THE TOWN PLANNING ASSISTANT, APCRDA RAYAPUDI, THULLUR MANDAL, GUNTUR DISTRICT
5. THE TOWN PLANNING OFFICER, APCRDA RAYAPUDI, THULLUR MANDAL, GUNTUR DISTRICT
6. NAVULURU GRAM PANCHAYAT, REPRESENTED BY ITS PANCHAYAT SECRETARY, MANGALAGIRI MANDAL, GUNTUR DISTRICT 522503.

...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 a mandamus declaring the Provisional Order cum ShowCause Notice and Stop Order in File No MAU61DPOAMRVUAC62026 bearing no date digitally signed on 12092026 and the Confirmation Order cum Demolition Order in File No MAU61DPOAMRVUAC62026 bearing no date digitally signed on 23102026 as illegal arbitrary and without jurisdiction as passed in violation of the principles of natural justice and of Section 115 of the APCRDA Act 2014 contrary to the directions of the Honble Supreme Court in In Re Directions in the matter of demolition of structures 2024 SCC OnLine SC 3291 and violative of Articles 14 21 and 300A of the Constitution of India and quash the same and consequently direct the respondents not to interfere with the petitioners residential building at Plot Nos 37 38 Sy No 1212 Navuluru Mangalagiri Mandal Guntur District and pass

IA NO: 1 OF 2026

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 suspend the operation of the Confirmation Order cum Demolition Order (digitally signed on 23.10.2026) with regard to the petitioner's building at Plot Nos. 37 & 38, Sy. No. 121/2, Navuluru, Mangalagiri Mandal, Guntur District pending disposal of the writ petition and pass

Counsel for the Petitioner:

1. RAVITEJA PADIRI

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

> *"… to issue a Writ, Order or Direction, more particularly one in the nature of a mandamus declaring the Provisional Order cum Show-Cause Notice and Stop Order in File No.MAU61-DP0AMRV(UAC)/6/2026, bearing no date (digitally signed on 12.09.2026), and the Confirmation Order cum Demolition Order in File No.MAU61-DP0AMRV(UAC)/6/2026, bearing no date (digitally signed on 23.10.2026), as illegal, arbitrary and without jurisdiction, as passed in violation of the principles of natural justice and of Section 115 of the APCRDA Act, 2014, contrary to the directions of the Hon'ble Supreme Court in In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291, and violative of Articles 14, 21 and 300-A of the Constitution of India and quash the same and consequently direct the respondents not to interfere with the petitioners residential building at Plot Nos.37 and 38, Sy.No.121/2, Navuluru Mangalagiri Mandal, Guntur District …."*

2. The brief facts of the case are as follows:

a) The petitioner claims to be the absolute owner and possessor of land admeasuring 446.4 square yards in Sy.No.121/2, comprising Plot Nos.37 and 38, situated at Navuluru Gram Panchayat, Mangalagiri Mandal, Guntur District, presently bearing Door No.4-368. He purchased the said plots under registered sale deeds bearing Document No.362 of 2003, dated 27.01.2003. Thereafter, the petitioner applied to the Commissioner, AMRDA, seeking permission to construct a building. Upon verification of the relevant documents, building permission was granted vide proceedings dated

19.08.2021 for construction of a ground and first-floor residential building in a site area of 372.30 square metres.

b) It is the grievance of the petitioner that, on 26.10.2026, the officials of the APCRDA entered the petitioner's premises and highhandedly attempted to demolish the said building. When questioned the same, the petitioner was informed about the Confirmation Order-cum-Demolition Order dated 23.10.2026. Thereafter, he came to know that on 13.08.2026, the officials of the 2nd respondent had allegedly inspected his building behind his back and, in his absence, obtained the signature of his wife on some proceedings. After receiving the confirmation order, he realized that the same was passed basing on a Provisional Order-cum-Show-cause notice and Stop Order dated 12.09.2026, which was issued under Sections 115(1) and 116(1) read with Sections 108, 109 and 110 of the APCRDA Act, 2014, directing the petitioner to show-cause within seven days of receipt of the said notice as to why the unauthorized development should not be removed, failing which, a penalty of 20% of the land value, an additional penalty of 1% for the delay, imprisonment for up to three years and sealing of the premises, without any further notice, would be issued.

c) Aggrieved by the same, the present writ petition is filed on two grounds (1) that the Town Planning Officer does not have any authority to issue either the provisional notice or the confirmation notice; and (2) that Section 115 of the APCRDA Act, 2014 contemplates that reasonable time should been given for submitting an explanation in response to the provisional

notice. However, the notice specifies only seven days for submitting the explanation.

3. On the other hand, learned Standing Counsel appearing for the APCRDA has stated that the powers of the Commissioner were delegated to the Town Planning Officer vide proceedings 10.11.2025. Therefore, the Town Planning Officer is competent and duly authorized to issue both the Provisional Order-cum-Show Cause Notice and the Confirmation Order-cum-Demolition Order.

4. With regard to the second ground raised by the petitioner, it is appropriate to refer to Section 115(2) of the APCRDA Act, 2014, which reads as follows:

> ***115. Power to require removal of unauthorized development.***
>
> *(2) The Commissioner shall serve copy of the provisional order made under subsection (1) on such person mentioned in subsection (1) with an order requiring him to show cause within a reasonable time to be specified in such order as to why the order should not be confirmed.*

5. A plain reading of the above provision makes it clear that a person against whom a provisional order is issued must be afforded a reasonable opportunity and sufficient time to submit an explanation before the provisional order is confirmed. The requirement of granting reasonable time is intended to ensure that the person concerned gets an effective opportunity to place his objections and supporting material before the competent authority. Therefore,

the time granted under the provisional order must be reasonable and sufficient to enable the person concerned to respond effectively to the allegations made against him.

6. Learned counsel for the petitioner places reliance on the judgment of the Hon'ble Supreme Court in ***In Re: Directions in the matter of demolition of structures****, in Writ Petition (C) No.295 of 2022, along with Writ Petition (Crl.) No.162 of 2022 and Writ Petition (C) No.328 of 2022, dated 13.11.2024,* wherein the Hon'ble Supreme Court issued directions prescribing the procedure to be followed by the authorities before undertaking demolition of structures. The relevant directions are extracted hereunder:

> *A.Notice*
>
> *94.1. No demolition should be carried out without a prior show-cause notice returnable either in accordance with the time provided by the local municipal laws or within 15 days' time from the date of service of such notice, whichever is later.*
>
> ***94.2.*** *The notice shall be served upon the owner/occupier by a registered post A.D. Additionally, the notice shall also be affixed conspicuously on the outer portion of the structure in question.*
>
> ***94.3.*** *The time of 15 days, stated herein above, shall start from the date of receipt of the said notice.*
>
> ***94.4****. To prevent any allegation of backdating, we direct that as soon as the show-cause notice is duly served, intimation thereof shall be sent to the office of Collector/District Magistrate of the district digitally by email and an auto generated reply acknowledging receipt of the mail should also be issued from the office of the Collector/District Magistrate. The Collector/DM shall designate a Nodal Officer and also assign an email address and*

communicate the same to all the municipal and other authorities in charge of building regulations and demolition within one month from today.

***94.5**. The notice shall contain the details regarding:*

(a) The nature of the unauthorized construction.

(b) The details of the specific violation and the grounds of demolition.

(c) A list of documents that the notice is required to furnish along with his reply.

(d) The notice should also specify the date on which the personal hearing is fixed and the designated authority before whom the hearing will take place.

***94.6.** Every municipal/local authority shall assign a designated digital portal, within 3 months from today wherein details regarding service/pasting of the notice, the reply, the show-cause notice and the order passed thereon would be available."*

7. Per contra, learned Standing Counsel for the respondents places reliance on the judgment of the Hon'ble Supreme Court in ***Loganathan vs. State of Tamil Nadu and others***[1] , wherein the Hon'ble Supreme Court, taking note of the misuse of residential buildings and lands for commercial purposes and the unauthorized conversion of residential areas for commercial use without obtaining the requisite permissions, issued directions to all Municipal Corporations and Municipalities in the capital cities of the States and Union Territories to conduct a comprehensive inquiry within their respective jurisdictions to identify areas demarcated exclusively for residential

[1] 2026 SCC Online SC 1516

use, but are being misused for non-residential purposes by the persons concerned.

8. In the present case, though the petitioner obtained building permission for construction of a residential building, the specific contention of the respondents is that the petitioner is using the building for both residential and commercial purposes, contrary to the permission granted. On the basis of the alleged violation, the respondents issued a Provisional Order-cum-Show-Cause Notice and Stop Order and thereafter passed a Confirmation Order-cum-Demolition Order against the petitioner.

9. It is the case of the respondents that the provisional notice dated 12.09.2026 was served on the petitioner on 15.09.2026, calling upon him to submit his explanation within seven days. However, as no explanation was submitted by the petitioner within the stipulated time, the respondents proceeded to issue the Confirmation Order-cum-Demolition Order dated 23.10.2026. Learned Standing Counsel, therefore, submits that sufficient time had elapsed from the date of issuance of the provisional notice and the confirmation order and that the respondents may be permitted to proceed further in terms of the confirmation order.

10. On the other hand, the petitioner contends that he was not aware of the issuance of the provisional notice. As stated in the affidavit filed in support of the Writ Petition, the officials of the respondents visited his premises on the pretext of taking measurements and obtained the signature of his wife on the

provisional notice in his absence. The petitioner states that he came to know about the issuance of the provisional notice only when the officials attempted to demolish his building on 26.10.2026 and informed him about the confirmation order dated 23.10.2026. Therefore, he contends that he was not given an effective opportunity to submit his explanation before the confirmation order was passed.

11. Having regard to the facts and circumstances of the case, this Court is of the view that the petitioner should be given a reasonable opportunity to submit his explanation before any further action is taken against his building. As per Section 115(2) of the APCRDA Act, 2014, the petitioner must be given reasonable time to submit his explanation to the provisional notice. Further, the Hon'ble Supreme Court in *In Re: Directions in the matter of demolition of structures in Writ Petition (C) No.295 of 2022, along with Writ Petition (Crl.) No.162 of 2022 and Writ Petition (C) No.328 of 2022, dated 13.11.2024* has also emphasised the importance of proper service of notice and granting sufficient time to the affected person before undertaking demolition. In the present case, as the petitioner contends that he was not aware of the provisional notice and that his wife's signature was obtained in his absence, this Court feels it appropriate to give him an opportunity to submit his explanation.

12. Accordingly, the Writ Petition is allowed, setting aside the Provisional Order-cum-Show-Cause Notice and Stop Order dated 12.09.2026 and the

Confirmation Order-cum-Demolition Order dated 23.10.2026. The petitioner is directed to submit his explanation, if any, within a period of fifteen (15) days from today. Upon receipt of the said explanation, the respondents shall consider the same, afford an opportunity of personal hearing to the petitioner and pass appropriate orders in accordance with law. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, in this Writ Petition, shall stand closed.

JUSTICE V.SUJATHA

Date: 30.10.2026
KGR/GCD