APHC010595732026

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

THURSDAY, THE 12th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOs: 32655 & 32283 OF 2026

WRIT PETITION NO: 32655 OF 2026

Between:

1. SADGURU INFRATECH, Rep. by its Managing Partner, Suneel Mahanty, S/o. Shiva Prasad Mahanty, Aged about 49 years, Rio. P M Palem, Visakhapatnam 530041.

...PETITIONER

AND

1. THE GREATER VISAKHAPATNAM MUNICIPAL CORPORATION, Rep. by its Commissioner, Tenneti Bhavan, Ram Nagar, Visakhapatnam 530002.

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, A.P. Secretariat, Velagapudi, Guntur District 522238.

...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 of Mandamus, declaring that the action of the 1st respondent in not granting Occupancy Certificate to the completed building complex of the petitioner situated in Sy.No.11/4F, of Buchirajupalem Village, Gopalapatnam Mandal, Visakhapatnam District, on the ground of pendency

of suit OS No. 792 of 2018 on the file of the Principal Junior Civil Judge, Visakhapatnam, and Contempt Case CC No. 5757 of 2023 before the Honble High Court, as indicated in the short fall Endorsement Letter No.EDS/1086/2023/4040 dt 02.03.2026, is arbitrary, illegal, and withou, jurisdiction, and Consequently setaside the short fall Endorsement Letter No.E0S/1086/2023/4040 dt 02.03.2026, and direct the 1st respondent to forthwith issue Occupancy Certificate to the subject building complex of the petitioner without reference to pendency of suit in OS No. 792 of 2018 on the file of the Principal Junior Civil Judge, Visakhapatnam, and Contempt Case CC No. 5757 of 2023 before the Honble High Court

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 to direct the 1st respondent to issue Occupancy Certificate to the subject building complex, situated in Sy.No.11/4F, of Buchirajupalem Village, Gopalapatnam Mandal, Visakhapatnam District, to the petitioner without reference to the pending suit OS No. 792 of 2018 on the file of the Principal Junior Civil Judge, Visakhapatnam, and Contempt Case CC No. 5757 of 2023 before the Hon'ble High Court, pending disposal of the Writ Petition and grant

Counsel for the Petitioner: RAVULA NAGARJUNA

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

WRIT PETITION NO: 32283 OF 2026

Between:

1. M/s. Sadguru lnfratech,, Represented by its Managing Partner, Suneel Mahanty, S/o. Shiva Prasad Mahanty, aged about 49 years, Residing at P M Palem, Visakhapatnam, Andhra Pradesh 530041.

...PETITIONER

AND

1. The Greater Visakhapatnam Municipal Corporation, Represented by its Commissioner, Tenneti Bhavan, Asilmetta, Visakhapatnam, Andhra Pradesh 530002.

2. The State of Andhra Pradesh, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, A.P. Secretariat Buildings, Velagapudi, Guntur District, Andhra Pradesh 522238

...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 of Mandamus, or any other appropriate writ, declaring that the action of the 1s1 respondent corporation in not issuing Occupancy Certificate (OC) to the residential building complex of the petitioner namely Sadguru Towers-II, Buchirajupalem, Visakhapatnam District, as indicated in the impugned endorsement Letter No.EDS/1086/2022/4015, dt 11.10.2026 on the ground of pendency of writ petitions is arbitrary, illegal and without jurisdiction, and Consequently setaside the impugned endorsement Letter No.EDS/1086/2022/4015, dt 11.10.2026 and direct the 1st respondent corporation to forthwith issue occupancy certificate to residential building complex of the petitioner namely Sadguru Towers-II, Buchirajupalem, Visakhapatbam District, without reference to the pendency of WP Nos 28365 of 2023 and 33271 of 2023, without any delay, so as to enable the purchasers/tenants of the apartment and the petitioner to have full and lawful enjoyment of the said apartments in all respects and grant such other reliefs as it deems fit in the circumstances.

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

direct the 1st respondent corporation to forthwith issue Occupancy Certificate to the building complex of the petitioner situated in premises in the name of Sadguru Towers - II, Buchirajupalem, Visakhapatnam District, without reference to the pending Writ Petitions in 28365 of 2023 and 33271 of 2023, pending disposal of the Writ Petition,

Counsel for the Petitioner: RAVULA NAGARJUNA

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

The Court made the following order:

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOs: 32655 & 32283 OF 2026

The Court made the following Common Order:

Heard Sri Vedula Venkata Ramana, learned Senior Counsel assisted by Sri Ravula Nagarjuna, learned counsel for the petitioners, Sri A.S.C. Bose, learned Standing Counsel for the respondent No.1 and learned Government Pleader for the respondent No.2.

2. The grievance of the petitioners in the instant Writ Petitions is against the shortfall notice dated 02.03.2026 refusing to grant occupancy certificate in respect of the residential building complexes situated in Sy.No.11/4F of Buchirajupalem Village, Gopalapatnam Mandal, Visakhapatnam District (W.P.No.32655 of 2026), and in respect of the building belonging to the petitioner situated in Saduguru Towers-II of Buchirajupalem Village, Gopalapatnam Mandal, Visakhapatnam District (W.P.No.32283 of 2026).

3. Sri Vedula Venkata Ramana, learned Senior Counsel for the petitioner would submit that in a Suit filed for permanent injunction by the neighbours of the petitioners, the interlocutory application in I.A.No.770 of 2018 was heard and was also dismissed by an order dated 18-03-2020. Having regard to the same, it is contended that the mere pendency of the suits before the Court of law would not automatically constitute a bar in issuing the occupancy certificate. When the application filed is for grant of occupancy certificate, the respondents are under an obligation to verify the structural strength of the building and pass appropriate orders if the same is in compliance with the

building permission. The petitioner further contends that he has obtained building permission dated 25-09-2024 and had constructed the same in accordance with the permission and has made an application for grant of occupancy certificate.

4. When the matter has been taken up for consideration today, learned Standing Counsel for the respondent Corporation has placed before the Court a copy of instructions received by him in the case. A perusal of the same, it reflects that there are disputes between the petitioners and their neighbours regarding title, possession, extent and boundaries of the subject property. The building permission was initially granted on 23-07-2022 for construction of Stilt + 4 upper floors. The said permission was challenged before this Court by way of a Writ Petition in W.P.No.34563 of 2022, wherein this Court has set aside the building permission dated 23-07-2022 and provided an opportunity of hearing to the concerned parties and consider the building permission application in accordance with law. Accordingly, the Corporation issued an endorsement dated 04-12-2023, informing the concerned parties to submit their respective representations and supporting documents. It is further stated that, the building permission bearing No.1086/2996/B/Z4/BEM/2020, dated 23-07-2022, was cancelled by the Corporation vide proceedings Rc.No.018151/2023/ACP-VIII/G1, dated 30-01-2024. It is submitted that an application for grant of Occupancy Certificate has now been made by the petitioner without the entitlement thereto being established under a valid and subsisting building permission. The petitioner was informed, vide Shortfall

Endorsement Letter No.EDS/1086/2023/4040, dated 02-03-2026, that the application could not be processed in view of the cancellation of the earlier building permission and the pendency of the connected court cases. It is further submitted on behalf of the respondents that no automatic right to the grant of an Occupancy Certificate can be claimed merely on the ground that the construction has been completed or that certain flats have been sold to third parties. The grant of an Occupancy Certificate is subject to verification of the validity of the building permission, conformity of the construction with the sanctioned plan, the actual nature and extent of the construction, and compliance with the applicable statutory provisions and building regulations.

5. Considered the submissions.

6. The impugned orders are passed rejecting to grant occupancy certificate merely because certain civil cases are pending which in my considered view would not be a valid ground for rejection.

7. Accordingly, the impugned proceedings dated 02.03.2026 and 11.10.2026 are set aside. The matter is remanded to the respondent - GVMC for passing reasoned orders on the applications filed by the petitioner seeking occupancy certificate within a period of six (06) weeks from the date of receipt of this order, after affording sufficient opportunity of hearing to the petitioners.

8. With the above observation, the Writ Petitions are disposed of. There shall be no order as to costs.

As a sequel, all pending miscellaneous applications shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Dated: 12-11-2026
MSI

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOs: 32655 & 32283 OF 2026

Dated: 12-11-2026
MSI