APHC010117362026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3458]**
(Special Original Jurisdiction)

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 6566/2026

Between:

1. PENAMALLI PADMAVATHI, W/O. SRINIVASULU, AGED 45 YEARS, R/O DOOR NO. 16-0-253, PATHAGANIGUNTA, RAMAMURTHY NAGAR, NELLORE, S.P.S. NELLORE DISTRICT-524003

2. EDAMPALLI SRIDEVI, W/O IDAMPALLIVENKATESWARLU, AGED ABOUT 53 YEARS, 16/3/861, RAMMURTHY NAGAR PATHA GANIGUNTA, RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003.

3. BADISA RAJESWARAMMA, W/O RAMANAIAH AGED ABOUT 80 YEARS,R/O D.NO.16/1655, PATHAGANIGUNTA,RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003.

4. BRAMHADEVI MASTHANAMMA, W/O LATE KRISHNAIAH, AGED ABOUT 70 YEARS, R/O 16-7-247, RAMMURTHY NAGAR, PATHAGNIGUNTA, NELLORE, SPSR NELLORE DISTRICT-524003.

5. MANNEPALLI RAMADEVI, W/O LATE SRINIVASULU AGED ABOUT 57 YEARS,R/O 16-7-254, RAMMURTHY NAGAR,PATA GANI GUNTA, DARGAMITTA, NELLORE, SPSR NELLORE DISTRICT-524003.

6. M.DAYAKAR, S/O MUPPURUVENKATESWARLU AGED ABOUT 27 YEARS,R/O 16-3-851, RAMMURTHY NAGAR,PATHAGANIGUNTA, DARGAMITTA, NELLORE, SPSR NELLORE DISTRICT-524003.

7. DANDE VIJAYAMMA, W/O RAMANAIAH AGED ABOUT 59 YEARS, R/O 7-242, PATHAGANIGUNTA, RAMMURTHY NAGAR, NELLORE SPSR NELLORE DISTRICT-524003.

8. GIDDANGI VARALAKSHMI, W/O GIDDANGI SURESH BABU AGED ABOUT 52 YEARS, R/O 16/7/240, GANJIKHANA, RAMMURTHY

NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003.

9. BAPANAPALLI SUNEETHA, W/O NAGESWARA RAO, AGED ABOUT 39 YEARS, R/O 16-7-232, GHANJIKHANA, RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003.

10. BABU KARUNAKARAN, S/O DEVARAJULA BABU, AGED ABOUT 47 YEARS, R/O 16-7-238, RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003.

11. RAVURU SOBHARANI, W/O ADAIAH, AGED ABOUT 55 YEARS, R/O 6-7-235, GANI GUNTA, RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003.

12. RAVURI POLAMMA, W/O NAGARAJU, AGED ABOUT 60 YEARS, R/O 16-7-234, RAMMURTHY NAGAR,DARGAMITTA, NELLORE, SPSR NELLORE DISTRICT-524003.

13. MUPPURU VENKATA CHIRANJEEVI, S/O MUPPURUVENKATESWARLU, AGED ABOUT 32 YEARS, R/O 16-3-851, OLD GANIGUNTA, RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003.

14. CHILAKAPATI SUPRIYA, W/O MALYADRI, AGED ABOUT 40 YEARS,R/O 16-7-251, PATHA GANI GUNTA, RAMMURTHY NAGAR, DARGAMITTA, NELLORE, SPSR NELLORE DISTRICT-524003

15. RAVURU SREENIVASULU, S/O LATE RAVURU SUBBULAIAH AGED ABOUT 53 YEARS, R/O 16-7-237, PATHA GANIGUNTA, RAMMURTHY NAGAR, DARGAMITTA, NELLORE, SPSR NELLORE DISTRICT-524003.

16. B. SUNANDA BHASKAR, W/O B. BABU AGED ABOUT 36 YEARS, R/O 16-1647-1, RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003.

17. BELLAMKONDA SUBBAIAH, S/O BELLAMKONDA RAMANAIAH AGED ABOUT 56 YEARS, R/O 16-7-251, PATHAGANIGUNTA, NEAR SAI TEMPLE, RAMMURTHY NAGAR, DARGAMITTA, NELLORE, SPSR NELLORE DISTRICT-524003.

18. BRAMHADEVI VENKATESWARLU, S/O LATE KRISHNAIAH AGED ABOUT 34 YEARS,R/O 16-7-247, RAMMURTHY NAGAR, PATHAGANIGUNTA, RAMMURTHY NAGAR, DARGAMITTA,

NELLORE, SPSR NELLORE DISTRICT-524003.

19. BRAMHADEVI BALACHANDANA, W/O SUBBAIAH AGED ABOUT 42 YEARS,R/O D.NO. 16-7-258, RAMMURTHY NAGAR, SAI BABA TEMPLE, DARGAMITTA, NELLORE, SPSR NELLORE DISTRICT-524003.

20. BRAMHADEVI PRASAD, S/O LATE KRISHTAIAH, AGED ABOUT 52 YEARS,R/O 16-8-196, RAM MURTHY NAGAR,SANITARY MUNICIPAL OFFICE, NELLORE, SPSR NELLORE DISTRICT-524003.

21. BRAHMADEVI PADMA, W/O VIJAY AGED ABOUT 44 YEARS, R/O 16-7-258, PATHAGANIGUNTA, RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003

22. BADISA KAMESWARAMMA, W/O RAMANAIAH, AGED ABOUT 85 YEARS, R/O 16-1656, RAMMURTHY NAGAR, PATHAGANI GUNTA, DARGAMITTA, NELLORE, SPSR NELLORE DISTRICT-524003

23. VINAMADDI NAGARAJU, S/O PULLAIAH, AGED ABOUT 48 YEARS,R/O 16-7-250, PATHA GANIGUNTA,RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003

24. BELLAM KONDA MASTHANAMMA, W/O BELLAM KONDA SUBBAIAH, R/O 16-15-496, GURALAMADUGU CENTRE, NELLORE, SPSR NELLORE DISTRICT-524001

25. PENAMALLI SWARNA LATHA, W/O RAVI KUMAR, AGED ABOUT 47 YEARS, R/O 16-7-248, PATHAGANI GUNTA, RAMMURTHY NAGAR, NELLORE, DARGAMITTA, NELLORE, SPSR NELLORE DISTRIC-524003.

26. CHANAGA KALYANI, W/O CHANAGA SRINIVASULU AGED ABOUT 27 YEARS, R/O 16-7-292, GACCHUKALUVASTREET, RAMMURTHY NAGAR, NELLORE, SPSR NELLORE DISTRICT-524003

27. DARLA SUJATHA, W/O DARLA VENKATESWARLU, AGED ABOUT 56 YEARS,R/O 16-9-174, MUTHYALAPALEM,RAMALINGAPURAM, NELLORE, SPSR NELLORE DISTRICT-524003

28. DARLA VIJAYAMMA, W/O SUBRAMANYAM AGED ABOUT 49 YEARS,R/O MADAMANURU, MANUBOLU, NELLORE- 524005.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522238
2. THE NELLORE MUNICIPAL CORPORATION, REP BY ITS COMMISSIONER, NELLORE, SPSR NELLORE DISTRICT, ANDHRA PRADESH-524001
3. THE DISTRICT COLLECTOR, SPSR NELLORE DISTRICT, NELLORE, ANDHRA PRADESH-524001
4. THE REVENUE DIVISIONAL OFFICER, NELLORE DIVISION, SPSR NELLORE DISTRICT, NELLORE, ANDHRA PRADESH-524001
5. THE TAHSILDAR, NELLORE TOWN SPSR NELLORE DISTRICT, ANDHRA PRADESH-524001

...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 tomay be pleased to issue a writ order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondents in interfering into the peaceful possession and enjoyment of the petitioners houses situated in C.A.S.No.287/1 and C.A.S.No.287/2, Pathaganigunta, Rammurthy Nagar, Nellore, SPSR Nellore District, mechanically relying upon a decades old Master plan of 1978, without assessing and determining the present and genuine public necessity for the implementation of the proposed 40 feet Master plan road on the Eastern side of the Railway Lane, Nellore, by ignoring the alternative routes and alignments developed over the years, and making efforts to dispossess the petitioners from their houses is arbitrary, illegal and violation of the principles of natural justice and Article 14, 21 of the constitution of India, consequently direct the respondents to objectively assess and determine the present and genuine public necessity for implementation of proposed 40 feet Master Plan road on the Eastern side of the Railway Line and ensure that no coercive action of dispossession is undertaken against the petitioners houses situated in C.A.S.No.287/1 and C.A.S.No.287/2, Pathaganigunta, Rammurthy Nagar, Nellore, SPSR Nellore District, without strictly following the due process of law, including lawful acquisition proceedings and consideration of

Rehabilitation, in conformity with the constitutional safeguards under Articles 14, and 21 of the Constitution of India and the principles laid down by the Honble Supreme Court, in Olga Tellis v. Bombay Municipal Corporation and other binding precedents, 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 direct the respondents not to dispossess and interfere with the peaceful possession and enjoyment of the petitioner's houses situated in CAS.No.287/1 and C.A.S.No.287/2, Pathaganigunta, Rammurthy Nagar, Nellore, SPSR Nellore District, in the interest of justice.

IA NO: 2 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 may be pleased to implead the petitioner as proposed respondent No.6 in W.P No. 6566 of 2026 and pass

Counsel for the Petitioner(S):

1. Y L SIVA KALPANA REDDY

Counsel for the Respondent(S):

1. VANKAYALAPATI N PRAVEEN SC For GNT,ONG,NLR Municipal Corporations
2. GP FOR REVENUE
3. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following:

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 6566 OF 2026

ORDER:

The instant writ petition is filed challenging the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioners respective houses properties situated in C.A.S.Nos.287/1 and C.A.S.Nos.287/2, Pathaganigunta, Rammurthy Nagar, Nellore, S.P.S.R. Nellore District, on the premise of implementing the proposed 40-feet Master Plan Road despite availability of alternate routes ignoring the alternative routes and alignments. It is contended that although alternative routes and alignments have been developed, the respondents are interfering with the possession of the petitioners. Hence, approached this Court by way of instant writ petition

2. Heard Smt. Y.L.Sivakalpana Reddy, learned counsel for the petitioners and Sri Vankayalapati N Praveen, learned Standing Counsel for Municipal Corporation appearing for the respondents.

3. It is contended that the petitioners and their parents have been in possession and occupation of the subject extent of land for the last five (05) decades. Each petitioner is in possession of an extent of 40 Sq. yards of land, upon which they have constructed their respective dwelling huts. It is further contended that their occupation is as old as the age of some of the petitioners, as some of the petitioners were born in the same place. The proposed 40-feet road under the Master Plan passes through the subject C.A.S.Nos.287/1 and 287/2. However, it was never implemented in 2000, when it was initially

proposed. The respondents are attempting to interfere with their possession and are seeking to evict residents of the said locality, C.A.S.Nos.287/1 and 287/2. When it was initially proposed in 2000, some of the affected occupants of the respective houses filed W.P.No.24946 of 2000. Another writ petition, W.P.No.9483 of 2000, was filed by some third parties against the occupiers, seeking an injunction restraining them from renovating the subject houses and structures. It is further stated that respondent Nos.3 and 4 had submitted proposals for realignment of the proposed 40-feet road under the Master Plan, *vide* proceedings dated 20.08.2004 and 28.08.2004, suggesting a diversion from the proposed area.

4. The said writ petitions were disposed of *vide* a common order dated 22.11.2004, observing that if it were decided not to modify the Master Plan and the layout plan in respect of the land in question, the encroachments would have to be removed. It was further observed that, if the Government proposed to provide house-site pattas to the encroachers elsewhere, the Government would have to identify alternative land and shift them to that location.

5. The said writ petitions were disposed of, directing the respondents to take an appropriate decision within a period of four (04) months from the date of receipt of a copy of that order and to ensure that the layout plan and the Master Plan were duly adhered to and that all encroachments, if any, were removed. It was further observed that, if the Government decided not to amend the Master Plan, the encroachments would have to be removed within the stipulated period and that the respondents were required to act in

accordance with law while demarcating and laying the approach road as per the layout plan.

6. Against this backdrop, the petitioners contend that the respondent No.5 issued possession certificates to certain persons. After the demise of some of such grantees, their respective family members, some of the are petitioners herein, are in possession and occupation of the properties. Some of petitioners who were not granted possession certificates have filed a Writ Petition in W.P.No.21027 of 2011 and sought for issuance of house site pattas. It is contended that Possession certificates were granted in favour of 23 members.

7. In the backdrop of these facts, it is stated that despite the possession certificates granted in favour of the petitioners and their respective possession in respect of the land in C.A.S.No.287/2, the respondents are proposing to proceed with the implementation of the 40-feet road under the Master Plan on the eastern side of the railway line at the instance of the Real Estate dealers. The said dealers from the neighboring lay out filed a writ petition in W.P.No.40037 of 2015, seeking removal of the encroachments from the subject land bearing C.A.S. Nos.287/1 and 287/2, situated at Pathaganigunta, Rammurthy Nagar, Nellore, S.P.S.R. Nellore District. The said writ petition was disposed of, observing as follows:

> "***6.*** *In view of the above said facts and circumstances, the petitioners are permitted to make a fresh application to the respondent Nos.2 to 4 enclosing all the necessary documents in support of their claim within a period of two (2) weeks from the date of receipt of this order. On receipt of the same,*

> *the respondent Nos.2 to 4 shall consider and dispose of the representation of the petitioners strictly in accordance with law by hearing all the parties concerned including the petitioners and the encroachers, if any, and upon verification of the records and the subject area, appropriate decision shall be taken on its own merits, as expeditiously as possible, preferably within a period of three (3) months thereafter."*

8. Pursuant to the aforesaid directions, it appears from the material that the respondent-Corporation had conducted an enquiry and by taking into consideration report of the Tahsildar, Nellore Urban Mandal, dated 13.03.2025, it is observed that the removal of the encroachments would be undertaken after allotment of eligible housing plots or TIDCO houses to the affected families, as per the Government norms.

9. The respondent-Corporation, which was impleaded as a respondent, has placed before this Court the proceedings of the Municipal Corporation, including the speaking order passed by the Corporation in the said regard.

10. The respondent No.6 had placed before the Court a copy of the proceedings of the Municipal Commissioner, Nellore, dated 20.08.2025. A perusal of the same would reflect that the Municipal Commissioner, after taking into consideration the report submitted by the Tahsildar, Nellore Urban Mandal, dated 13.03.2025, observed that the removal of the subject encroachment shall be taken up after allocation of eligible housing plots and TIDCO houses to the affected families as per the Government norms.

11. Having regard to the same, the grievance of the petitioner in the instant writ petition that the respondents are interfering with the peaceful possession

and enjoyment of the petitioners' houses at C.A.S.Nos.287/1 and 287/2, Pathaganigunta, Rammurthy Nagar, Nellore, S.P.S.R. Nellore District, therefore, would not merit further adjudication, since the grievance of the petitioner has been addressed/resolved by the Municipal Commissioner *vide* his proceedings dated 20.08.2025.

12. In the light of the same, since the Corporation itself has agreed vide the proceedings dated 20.08.2025 that the removal of the subject alleged encroachments would be taken up after allocation of the respective house plots or TIDCO houses to the affected families, till such allocation or allotment is made, as per the proceedings of the Municipal Corporation dated 20.08.2025, the respondent-Corporation is directed not to interfere with the possession and enjoyment of the property of the petitioners nor demolish the subject dwelling units in respective occupation of the petitioners.

13. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Dated: 07.10.2026
CVD

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 6566 OF 2026

Dated: 07.10.2026
CVD