APHC010515162026

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

TUESDAY, THE 29th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 27996 OF 2026

Between:

1. KANDUKURI PADMA, W/O. KANDUKURI VENKATA SWAMY, AGED ABOUT 51 YEARS, OCC PETTY BUSINESS, R/O. H.NO.25-17-367, SRINIVASARAO THOTA, 6TH LANE, GUNTUR, GUNTUR DISTRICT. (SHOP NO. 1)

2. PADALA MADHU,, S/O. PADALA PRASAD, AGED ABOUT 46 YEARS, OCC PETTY BUSINESS, R/O. NEAR NALLA CHERUVU, GUNTUR, GUNTUR DISTRICT. (SHOP NO. 2)

3. KANDUKURI PAPA RAO,, S/O. KANDUKURI VENKATA SWAMY, AGED ABOUT 40 YEARS, OCC PETTY BUSINESS, R/O. H.NO. 25-17-367, 6TH LANE, SRINIVASARAO PETA, GUNTUR, GUNTUR DISTRICT. (SHOP NO. 3)

4. SHAIK HASEENA,, W/O. SHAIK HEMAM SHAHEED, AGED ABOUT 36 YEARS, OCC PETTY BUSINESS, R/O. 1-33-255, 6TH LANE, NETAJI NAGAR, GUNTUR, GUNTUR DISTRICT. (SHOP NO. 5)

5. SHAIK BAJI VALI,, SIO. SHAIK SAIDA, AGED ABOUT 32 YEARS, OCC PETTY BUSINESS, R/O. 033-208, NETAJI NAGAR, GUNTUR, GUNTUR DISTRICT. (SHOP NO. 4)

6. JAGU ANANTHALAKSHMI,, .W/O. JAGU ADI NARAYANA RAO, AGED ABOUT 56 YEARS, OCC PETTY BUSINESS, R/O. H.NO.25-5-12, 5 TH LANE, R AGRAHARAM, GUNTUR, GUNTUR DISTRICT. (SHOP NO. 8)

7. JAGU BHANU ATCHUTARAM,, SIO JANU ADINARAYANA RAO, AGED ABOUT 39 YEARS, OCC PETTY BUSINESS, R/O. H.NO.25-5-12, 5TH LANE, R AGRAHARAM, GUNTUR, GUNTUR DISTRICT.

(SHOP NO. 7)

(ALL ARE SHOPS ARE OF MUNICIPAL ROAD, ADJACENT TO MUNICIPAL CORPORATION URDU SCHOOL, MASTHAN DARGA MAIN ROAD , COLLECTOR OFFICE ROAD, GUNTUR TOWN, GUNTUR DISTRICT)

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT AUTHORITY, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT. 522237
2. THE MUNICIPAL CORPORATION OF GUNTUR, REP. BY ITS COMMISSIONER. GUNTUR,522003
3. THE CITY PLANNER, GUNTUR MUNICIPAL CORPORATION. GUNTUR,522003

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. N SRIHARI

Counsel for the Respondent(S):

1. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following order:

Heard Sri N. Srihari, learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and Sri V. Naga Praveen, learned Standing Counsel for Municipal Corporation appearing for respondent Nos.2 & 3. With the consent of both the learned counsel, the Writ Petition is disposed of at the stage of admission.

2. The grievance of the petitioners in the instant Writ Petition is against the action of the respondents in trying to dispossess the petitioners from the shops bearing Nos.1, 2, 3, 4, 5, 7 and 8 situated at Municipal Road, adjacent to Municipal Corporation Urdu School, Masthan Darga Main Road, Collector Office Road, Guntur Town, Guntur District, without issuing any notice to the petitioners.

3. It is contended by the petitioners that the said shops were allotted in the year 2003 to certain individuals on lease basis for a period of three years, on payment of a monthly rent of Rs.300/-. The said lease rentals were subsequently enhanced, the said persons after operating their businesses for 10 years, have entrusted the subject shops to the petitioners herein and the petitioners are presently paying rent at the rate of Rs.4,500/- per month. However, the respondent Corporation, without issuing any notice to the petitioners is proposing to dispossess the petitioners from the subject shops.

4. Learned counsel for the petitioners contends that the impugned action of the respondents would deprive the petitioners of their livelihood and that the respondents ought not to take any coercive action without issuing notice to the petitioners.

5. In this regard, learned counsel for the petitioners argues that the respondents have allowed the petitioners to continue their respective business operations from the subject premises, without recourse to law they cannot adopt arbitrarily measures to evict the petitioners from the subject premises,

placing reliance upon the judgment of the Division Bench of this Court in W.P.(PIL) No.140 of 2022, contends that the respondents are under an obligation to issue notice to the petitioners before directing them to remove the alleged encroachments

6. Learned counsel for the petitioners places further reliance on the recent judgment of this Court dated 25.09.2026 in W.P.No.27827 of 2026 and prays for passing a similar order in the instant writ petition.

7. Having regard to the above, as the petitioners are claiming to be in possession of the subject properties by paying the lease rentals to the Corporation, this Court deems it appropriate to dispose of the Writ Petition with a direction to the respondents to follow due process of law before taking any coercive action against the petitioners.

8. 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

Date: 29.09.2026
BSK

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