APHC010525492026

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

THURSDAY, THE 1st DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 28533/2026

Between:

1. PYDI SARADA, W/O. SRI PYDI VENKATA RAO, AGED ABOUT 44 YEARS, OCC HOUSE WIFE RESIDING AT D.NO.18-92/2, NAGARAMPALEM ROAD, OLD REGISTERED OFFICE AREA, MADHURAWADA, VISAKHAPATNAM 530048.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, ANDHRA PRADESH -522238.
2. THE GREATER VISAKHAPATNAM MUNICIPAL CORPORATION GVMC, REP. BY ITS COMMISSIONER, VISAKHAPATNAM, ANDHRA PRADESH -530001.
3. THE TOWN PLANNING OFFICER, ZONE II, MADHURAWADA, GREATER VISAKHAPATNAM MUNICIPAL CORPORATION, VISAKHAPATNAM, ANDHRA PRADESH -530001

...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 toissue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of Respondent Nos.2 and 3 in demolishing a portion of the petitioner's residential building construction in the property admeasuring 333.33 square yards or 278.663

square metres, bearing Plot No.202 in H.P. Nagar Layout, covered by L.P.No.23/91, situated at Bakkannapalem Village, Visakhapatnam District, on 30-09-2026, without issuing any notice, affording opportunity of hearing or following due process of law, notwithstanding the Building Permit No.PER 1086/4666/2026 dated 19- 08-2026 issued by the competent authority, as illegal, arbitrary, unreasonable, violative of the principles of natural justice and Articles 14, 21 and 300-A of the Constitution of India, and consequently direct the respondents to restore the petitioner to the position existing prior to the demolition and not to interfere with the petitioner's peaceful possession and construction pursuant to the said building permission except in accordance with due process of law,

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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 restrain Respondent Nos.2 and 3, their officers, servants, agents or any person acting under their authority from undertaking any further demolition or interfering with the petitioner's peaceful possession and remaining construction in respect of the property admeasuring 333.33 square yards or 278.663 square metres, bearing Plot No.202 in H.P. Nagar Layout, covered by L.P.No.23/91, situated at -% Bakkannapalem Village, Visakhapatnam District, pursuant to Building Permit No.PER 1086/4666/2026 dated 19-08-2026, except by following due process of law, pending disposal of the above Writ Petition

Counsel for the Petitioner:

1. SREEMANNARAYANA VATTIKUTI

Counsel for the Respondent(S):

1. GP FOR MUNCIPAL ADMN URBAN DEV

The Court made the following:

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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ORDER:-

Heard Sri Sreemannarayana Vattikuti, learned counsel for the petitioner and Sri A.S.C.Bose, learned Standing Counsel appearing for respondent Nos.2 & 3.

2. Challenging the action of respondent Nos.2 and 3 in demolishing semi constructed residential building, constructed on the property admeasuring 333.3 square yards or 278.663 square metres, bearing Plot No.202 in H.P. Nagar Layout, covered by L.P. No.23/91, situated at Bakkannapalem Village, Visakhapatnam, the instant writ petition has been filed.

3. The petitioner claims to have purchased the subject land from one M/s. Srinivasa Infra. The property is covered by VUDA layout permission in L.P. No.23/91. The petitioner after obtaining building permission has commenced construction activity. However, the respondents have forcibly entered and started demolishing the structure without issuing any notice. Thus the petitioner approached this Court by a way of an instant Writ Petition.

4. When the matter has been taken up for consideration, the learned Standing Counsel for the respondent Nos.2 to 3 has placed before the Court a copy of the instructions received by him in the case. A perusal of the same would reflect that petitioner has submitted a Building Plan Application

proposing construction of G + 1 floors in respect of Plot No.202 of Bakkannapalem Village, Madhurawada.

5. The subject site was subsequently inspected and verified on the ground with reference to the documents submitted, the survey particulars, and the approved VUDA Layout Plan. Upon such verification, it was observed that the plots in the said approved layout are numbered as Plot Nos.1 to 198. However, the subject plot is neither shown nor found in the approved VUDA Layout Plan.

6. Further, upon correlating the subject site with the approved VUDA Layout Plan, it was observed that the proposed site falls within the area earmarked as **Open Space** in the said approved layout. Therefore, as the subject site does not correspond to any approved residential plot in L.P. No.23/91, the respondents have initiated action for demolition.

7. Considered the submissions.

8. The fact remains that respondents did not issue any notice before taking up the coercive measures for demolition of the structure. Having regard to the above, this Court deems it appropriate to dispose of the writ petition by directing the respondent authorities that, if any action is proposed against the petitioner, the same shall be taken only after following due process of law. No coercive action shall be taken against the petitioner without following due process of law.

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

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

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JUSTICE KIRANMAYEE MANDAVA

Dated:22.09.2026
MVK

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 28533 of 2026

Date:22.09.2026

MVK