APHC010550202026

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

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 30018/2026

Between:

1. SHAIK SHABBIR, S/O. BARAHIMAM, AGED ABOUT 45 YEARS, OCC. AGRICULTURIST, RIO. D.NO.5-22/2, OPPOSITE PARK, KANIGIRI VILLAGE AND MANDAL, MARKAPURAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS AT VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238.
2. THE KANIGIRI MUNICIPALITY, REPRESENTED BY ITS COMMISSIONER, KANIGIRI, MARKAPURAM DISTRICT - 523230.
3. THE TAHSILDAR, KANIGIRI MANDAL, MARKAPURAM DISTRICT - 523230.

...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 toto issue a Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the 2nd respondent in issuing the Proceedings / Confirmation Notice in A.K.No./B.A.No. 06/04/2026/G1, dated 28.09.2026 (affixed on 03.10.2026), directing the petitioner to remove his building situated in Sy. No. 581 of Sankavaram Revenue, Ward No. 6, Kanigiri Town, Kanigiri Mandal, Markapuram District,

without issuing any notice, without following due process of law and in contravention of the order of this Hon'ble Court dated 09.09.2026 in W.P. No. 9048 of 2026, as illegal, arbitrary, violative of principles of natural justice and Articles 14, 21 and 300-A of the Constitution of India, and consequently set aside the same and direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the said property

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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 to suspend the operation of the Proceedings / Confirmation Notice in A.K.No./B.A.No. 06/04/2026/G1, dated 28.09.2026, issued by the 2nd respondent, and direct the respondents not to demolish the building of the petitioner situated in Sy. No. 581 of Sankavaram Revenue, Ward No. 6, Kanigiri Town, Kanigiri Mandal, Markapuram District, pending disposal of the above writ petition

Counsel for the Petitioner:

1. OMKAR D

Counsel for the Respondent(S):

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

The Court made the following:

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ORDER:-

Heard Sri Omkar D, learned counsel for the petitioner and Sri G.Lakshmi Narayana, learned Standing Counsel appearing for the 2nd respondent Municipality.

2. The grievance of the petitioner in the instant writ petition is against the action of the 2nd respondent in issuing the Proceedings/Confirmation Notice in A.K.No. / B.A.No.06/04/2026/G1, dated 28.09.2026 under Section 228 (3) of the Andhra Pradesh Municipalities Act, 1965.

3. It is stated by the petitioner that without issuing a show cause notice to the petitioner, the 2nd respondent issued the impugned proceedings, requiring the petitioner to remove the encroachments within seven (7) days from the date of receipt of the notice. It is contended that the said notice is a gross violation of principles of natural justice inasmuch as the petitioner was not given an opportunity to submit his explanation or objections to the said impugned proceedings. It is further contended that the impugned proceedings have been passed based on the proceedings of the Tahsildar.

4. When the matter has been taken up for consideration, the learned Standing Counsel appearing for the 2nd respondent has placed before the Court a copy of instructions received by him in the case. A perusal of the same would reflect that on 26.09.2026, the Tahsildar informed the 2nd respondent that the subject land falls within the limits of Kanigiri

Municipality and that no pattas nor possessory rights had been granted to anyone in respect of the subject survey numbers. In view of the above and in compliance with the directions of the High Court, notices were issued to the concerned persons in accordance with the provisions of the Andhra Pradesh Municipalities Act, 1965.

5. Learned Standing Counsel for the 2nd respondent would submit that the notices were issued and seven (7) days' time was provided to submit objections and if any supporting documents. Without complying with the said notices, the petitioner approached this Court alleging the procedure contemplated under law was violated.

6. Considered the submissions.

7. Based on the report of the Tahsildar, the 2nd respondent came to conclusion that the subject structure is unauthorized. It is incumbent on the respondent Commissioner to comply with the principles of natural justice and provisions of law as envisaged in the Andhra Pradesh Municipalities Act, 1965, before proposing the coercive measures.

8. Having regard to the above, this Court is of the view that the impugned proceedings issued would violate principles of natural justice and are contrary to the procedure under law. In the light of the same, this Court deems it appropriate to dispose of the writ petition, directing the petitioner to consider the impugned proceedings as a show cause notice and liberty is granted to the petitioner to file objections to the notice dated 28.09.2026. On

filing of such objections, the 2nd respondent Municipality is directed to pass appropriate orders in accordance with law after hearing the petitioner. Needless to observe that the petitioner shall submit the objections within a period of two (2) weeks from the date of receipt of a copy of the order. Till passing of final orders, the respondents shall not initiate any coercive measures, pursuant to the impugned proceedings.

9. With the above directions, 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.

JUSTICE KIRANMAYEE MANDAVA

Dated: 13.10.2026
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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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Dated:13.10.2026

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