APHC010721752025

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

WEDNESDAY, THE 30th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 743/2026

Between:

1. GUDI SIVA SANKAR,, S/O. GUDI KONDAPPA, AGED ABOUT 45 YEARS, OCC- CULTIVATION, R/O. D.NO.111-76 (WESTERN PORTION), SAI RAM STREET, NEERUGATTU VARI PALLI, MADANAPALLE TOWN, ANNAMAYYA DISTRICT - 517325

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT AT VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT - 522238
2. THE MADANAPALLE MUNICIPALITY, REP. BY ITS COMMISSIONER, MADANAPALLE TOWN, ANNAMAYYA DISTRICT - 517325
3. THE TOWN PLANNING OFFICER, MADANAPALLE MUNICIPALITY, MADANAPALLE TOWN, ANNAMAYYA DISTRICT - 517325
4. THUMMALA KRISHNAPPA NAIDU, S/O. THUMMALA REDDAPPA NAIDU, R/O. KILARIVANDLAPALLI, CHERLOPALLI POST, GURRAMKONDA MANDAL, ANNAMAYYA DISTRICT - 517297

...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 to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 2 and 3 herein in not acting upon the Representation dated 3.7.2025 and 10.3.2020 and in not

initiating suitable action against the 4thRespondent herein, to stop the unauthorised and illegal constructions that are being constructed by and through the 4th Respondent herein in the land belonging to Petitioner (as covered by the Suit in O.S.No.208/2018 on the file of Additional Senior Civil Judge, Madanapalle) in an extent of Ac.4.08 cents in Sy.No.69, B.K. Palle Revenue Village, Madanapalle Town, Annamayya District (erstwhile Chittoor District), as illegal, arbitrary and also violative of the provisions of the A.P. Municipalities Act, 1965 apart from it being contrary to the law laid dovm in Order, dt.25.11.2025 in W.A.No. 1243/2025 and consequently direct the Respondents 2 and 3 herein to remove the illegal and unauthorised structures raised by the 4th Respondent forthwith in the land belonging to the Petitioner in Sy.No.69, B.K. Palle Revenue Village, Madanapalle Town, Annamayya District 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 to stop the illegal constructions made by the 4th Respondent in Sy.No.69, B.K.Palle Revenue Village, Madanapalle Town, Annamayya District forthwith pending disposal of the Writ Petition and pass

Counsel for the Petitioner:

1. W.V.B. SHRAVAN.

Counsel for the Respondent(S):

1. Gudapati Lakshminarayana SC For Municipalities in Rayalaseema Region

2. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following:

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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The Court made the following Order:

Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration and Urban Development and Sri G. Lakshminarayana, learned Standing Counsel for the respondent Nos.2 & 3/Municipal Corporation. Despite service of notice, no appearance is entered on behalf of the unofficial respondent.

2. The petitioner's grievance in the instant Writ Petition is that the respondents have not acted on the representations dated 03.07.2025 and 10.03.2020, and are allowing unauthorised and illegal construction in the subject property, despite the pendency of a civil suit in O.S.No.208 of 2018 on the file of the Additional Senior Civil Judge, Madanapalle.

3. Learned counsel for the petitioner submits that the petitioner's joint family owns land of an extent of Ac.4.08 cents in Sy.No.69, B.K.Palle Revenue Village, Madanapalle Town, Annamayya District. The petitioner has filed O.S.No.208 of 2018 against one Gudi Kondappa and 25 others, seeking partition of the said properties and the said suit is pending for consideration. During the pendency of said suit, respondent No.4 started making constructions in the suit schedule properties, and the respondent Corporation is also allowing such unauthorized constructions. In this regard, a representation was made by the petitioner requesting the Municipality not to permit such unauthorized constructions and to take appropriate action for

bringing down the structure that has been unauthorizedly constructed by the 4th respondent.

4. The respondent No.2/Municipality filed a counter affidavit stating that the 4th respondent has laid an unauthorised layout in Sy.No.68 (Part) and 69 of B.K.Palle, and that the same was sold in favour of one Sri Sayyad Basha and his son, Sri Bava Fakruddin, on 14.12.2020. As per the counter affidavit of respondent No.2, only one house has been constructed in the entire layout, over an extent of 139.46 Sq.Yds in Plot No.13, without obtaining permission, and the remaining extent of the layout is kept vacant. It is further stated that the said Bava Fakruddin filed an application seeking regularisation under BPS, 2025. The 2nd respondent rejected the said application, and provisional and confirmation notices have already been issued to the said Bava Fakruddin. It is further stated that no unauthorised construction is being made in Sy.No.69 and that the petitioner should avail his remedies before the competent Civil Court for declaration of his rights.

5. Learned counsel for the petitioner placing reliance on the judgment of the Division Bench of this Court in W.A.No.1243 of 2025 and the judgment of the Coordinate Bench in W.P.No.2771 of 2026, submits that, when a civil suit for partition is pending, the respondent authorities, without there being any common application by the plaintiff and defendants, cannot grant permission for constructions, which would defeat the respective rights of the parties in the property that is pending for adjudication, in the suit filed for partition. It is contended that in the interests of all the parties to the civil suit, the

Corporation should be directed not to entertain any application for construction, inasmuch as their title to the said property has not yet been decided and can only be decided in the partition suit. Without deciding their title to the property, the Corporation cannot grant permission in respect of the suit schedule lands.

6. Having regard to the contentions raised, this Court is of the view that as the suit for partition is pending for adjudication, and the respective rights of the parties to the Civil Suit have not yet been adjudicated, granting building permission in favour of either party would further create third-party interests if the constructed property is sold. Therefore, the Corporation shall not grant any permission for construction in favour of any individual applicant unless a joint application is filed by all the parties to the Civil Suit, during the pendency of the said Civil Suit in O.S.No.208 of 2018.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE KIRANMAYEE MANDAVA

Dated: 30.09.2026
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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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Dated: 30.09.2026
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