

APHC010417472025



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

[3457]

**MONDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HON'BLE SRI JUSTICE HARINATH.N

WRIT PETITION NO:21292 OF 2025

Between:

1.DR. VAQUAR AHMED, S/O DR. FAROOQ AHMED, AGED ABOUT 51 YEARS. MEDICAL PRACTITIONER, R/O D.NO.16-A-14-5, YADAVA NAGAR, DIVISION NO.38, ZONE NO.1, TANGELLAMUDI, ELURU, ELURU (WEST GODAVARI) DISTRICT, ANDHRA PRADESH PRESENTLY R/O 59A85, 1ST E MAIN, 1ST CROSS, NAGARABHAVI 2ND STAGE, 2ND BLOCK, BANGALORE NORTH, KARNATAKA STATE-560072

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY. ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, ANDHRA PRADESH.

2.THE COMMISSIONER AND DIRECTOR OF MUNICIPAL ADMINISTRATION, PRIME HILL CREST, 4TH FLOOR, NEAR DGP OFFICE, VADDESWAREM VILLAGE, MANGALAGIRI, ANDHRA PRADESH.

3.THE ELURU MUNICIPAL CORPORATION, REP BY ITS COMMISSIONER, ELURU AT ELURU (WEST GODAVARI) DISTRICT

...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 in trying to demolish the G plus 1 floors residential house, situated in TS.No.527 an extent of 219 Sq.Yds with Door No.16a-14-5, RCC building, Eluru Municipal Corporation, Eluru (West Godavari) District with the valid permission vide BA No.96/94/G2 vide proceeding No.ROC 2707/94/G2, dated 08.04.1994 issued by the then Eluru Municipality without following issuing any notice/order and without following due process of law is illegal, arbitrary and violation of Andhra Pradesh Municipal Corporation Act with Rules and also violation of article 14, 19, 21 and 300-A of the Constitution of India and consequently direct the Respondents not to demolish the petitioner's residential house situated in TS. No.527 an extent of 219 Sq.Yds with Door No.16a-14-5, RCC building, Eluru Municipal Corporation, Eluru (West Godavari) District

IA NO: 1 OF 2025

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 direct the respondents not to demolish the residential house situated in TS.No.527 an extent of 219 Sq.Yds with Door No.16a-14-5, RCC building, Eluru Municipal Corporation, Eluru (West Godavari) District, pending disposal of the above writ petition, pending disposal of the above writ petition

Counsel for the Petitioner:

1.DASARI S V V S V PRASAD

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following order:

1. The petitioner is aggrieved by the unilateral action of the respondents in trying to demolish the building bearing No.16a-14-5, Eluru Municipal Corporation, Eluru.

2. The learned counsel for the petitioner submits that the petitioner had constructed the building after obtaining permission in the year 1994. The learned counsel further submits that the third respondent authority with a view to take up the drainage works had demolished the compound wall of the petitioner's building and is now in the process of demolishing the building. As such, the present writ petition is filed.
3. The learned standing counsel appearing for the third respondent, on written instructions, submits that the respondents authority have identified the encroachment of the public road and removed only the encroached portion of the compound wall. It is also stated in the written instructions that the staircase and the slab projection of the building are also identified as part of the encroachment. However, on humanitarian grounds, demolition was confined only to the extent of compound wall and that any further requirement of the land of the petitioner, the respondents' authority would follow the due process of law.
4. Recording the same, the writ petition is closed. There shall be no order as to costs.
5. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE HARINATH.N