APHC010315062026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

TUESDAY,THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY SIX
PRESENT
THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION NO: 16518/2026

Between:

1. CHINTAPALLI VENKATESWARI, W/O LODAGALA CHETAN KUMAR, AGED ABOUT 38 YEARS, RESIDING AT DOOR NO. 1-18, OPPOSITE MEE SEVA, SAGAR NAGAR POST, MUSALAYYAPALEM, VISAKHAPATNAM.
2. LODAGALA CHETAN KUMAR,, S/O, L. SATYANARAYANA AGED ABOUT 39 YEARS. RESIDING AT DOOR NO.1-18, OPPOSITE MEE SEVA, SAGAR NAGAR POST, MUSALAYYAPALEM, VISAKHAPATNAM.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522238.
2. GREATER VISAKHAPATNAM MUNICIPAL CORPORATION, REP. BY ITS COMMISSIONER, GVMC OFFICE, VISAKHAPATNAM-530003.
3. THE CHIEF ENGINEER, GREATER VISAKHAPATNAM MUNICIPAL CORPORATION, GVMC OFFICE, VISAKHAPATNAM-530003.
4. THE ZONAL COMMISSIONER, EAST ZONE (ZONE-ILL), GREATER VISAKHAPATNAM MUNICIPAL CORPORATION, VISAKHAPATNAM-530003.
5. THE TAHSILDAR, VISAKHAPATNAM RURAL MANDAL, VISAKHAPATNAM DISTRICT-530043.
6. THE STATION HOUSE OFFICER, ARILOVA POLICE STATION, VISAKHAPATNAM CITY,VISAKHAPATNAM DISTRICT-530040.

...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 topleased to a. Issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in encroaching upon the petitioners private land bearing Plot No.32, admeasuring Ac.0.037 cents / 182.40 square yards, situated in Sy.No.113/2C1A, covered by approved Layout Permit No.16/95, Chinnagadili Village, Visakhapatnam and proceeding to establish an Open Gym and allied works adjacent despite serious objection without notice, without acquiring the same under Act 30 of 2013, and without proper lawful demarcation, as illegal,

arbitrary, unconstitutional and violative of Articles 14, 21 and 300-A of the Constitution of India b. Consequently, direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the petitioners private land bearing Plot No.32, admeasuring Ac.0.037 cents / 182.40 square yards, situated in Sy.No.113/2C1A, covered by approved Layout Permit No.16/95, Chinnagadili Village, Visakhapatnam and not to carry out any construction or public work affecting the petitioner's property in any manner without acquiring the same under Act 30 of 2013 c. Further direct the respondents to consider and act upon the Tahsildar's report in Rc.No.307/2026/A dated 29.05.2026, and take appropriate action to remove any encroachment affecting the petitioner's property in accordance with law

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 herein not to interfere or alter the physical features of the petitioner’s private land bearing Plot No.32, admeasuring Ac.0.037 cents / 182.40 square yards, situated in Sy.No.113/2C1A, covered by approved Layout Permit No.16/95, Chinnagadili Village, Visakhapatnam by forthwith stopping all Open Gym and allied works in the petitioners land

Counsel for the Petitioner(S):

1. KRISTAM SAKTHI NIRANJAN GUPTHA

Counsel for the Respondent(S):

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

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION No.16518 of 2026

ORDER:-

1. The petitioners are aggrieved by the action of respondent authorities in encroaching on to the petitioners' private property in Plot No.32, admeasuring 182.40 square yards situated in RS.No.113/2C1A covered by approved Layout Permit No.16/95 of Chinnagadili Village, Visakpahatnam for establishing Open Gym and other works.

2. It is submitted by the learned counsel for the petitioners that the petitioners' property is adjoining the open area of the layout, and that the respondent authorities are proposing to establish an open gym in the said open area. In the course of undertaking the said work, respondent Nos. 2 to 4 have allegedly encroached upon a portion of the petitioners' land and commenced construction of a compound wall thereon.

3. It is further submitted that, at the instance of the petitioners, a survey was conducted by the Tahsildar, who submitted a report indicating that an extent of seven square yards was found deficient from the petitioners' property. According to the said report, the deficit area is covered by the newly constructed compound wall presently existing on the ground.

4. The learned Standing Counsel appearing for respondent Nos. 2 to 4, on oral instructions, submits that the respondents conducted a survey of the subject area and issued notices to the owners of the neighbouring plots to participate in the survey. It is submitted that the petitioners were

also informed of the proposed survey; however, the petitioners sent the brother of 1st petitioner. It is further submitted that, in the presence of all concerned parties, the boundaries of the open space were duly demarcated and, thereafter, the construction activity was commenced.

5. Considering the submissions of the learned counsel for the petitioners and the learned standing counsel for the respondent Nos.2 to 4 there is an ambiguity with regard to the extent of the land under the occupation of the respondent Nos.2 to 4. The survey report submitted by the Tahsildar indicates that an extent of seven square yards belonging to the petitioners is presently covered by the construction activity undertaken by respondent Nos. 2 to 4.

6. On the contrary, the learned standing counsel for the respondent Nos.2 to 4 submits that the survey was conducted in the presence of the brother of 1st petitioner. Be that as it may, this Court is of the view that the ends of justice would be met if the representation dated 15.06.2026 submitted by the petitioners is duly considered by the respondent authorities. For the said purpose, the petitioners shall furnish copies of the title documents pertaining to the property claimed by them. Upon receipt of such documents, respondent Nos. 2 to 5 shall conduct a comprehensive survey and demarcate the boundaries of the petitioners' property with reference to the title documents produced by them.

7. It is made clear that, if any portion of the petitioners' land is found to be covered by the ongoing construction activity, the same shall be restored

to the petitioners in accordance with law. Till the completion of the survey and demarcation process, the respondents shall not proceed with any further construction activity, as public funds are involved in the project.

8. The petitioners shall furnish copies of the relevant title documents to respondent No.2 within a period of one (01) week from the date of receipt of a copy of this order. Upon receipt thereof, respondent Nos. 2 to 5 shall complete the survey and demarcation exercise within a period of four (04) weeks thereafter.

6. Accordingly, the writ petition is disposed off. There shall be no order as to costs.

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

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JUSTICE HARINATH.N

Note : Issue CC by 24.06.2026
B/o.KGM

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THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.16518 of 2026
Dated 23.06.2026

CC by 24.06.2026

KGM