APHC010309402026

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 NOS: 16080, 16087 and 16088/2026

WRIT PETITION NO: 16080/2026

Between:

1. THE KAKINADA MINI GOODS AUTO OWNERS ASSOCIATION, REP.BY ITS PRESIDENT DULLIPUDI SRINIVASA RAO S/O DULLIPUDI RAGHAVULU AGED ABOUT 54 YEARS, R/0 3-309/4,COLONY ROAD,NEAR SIVALAYAMPANCHAYATHI OFFICE NADAKUDURU, KARAPAMANDAL,NADAKUDURU EAST GODAVARI DISTRICT - 533016.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522 237.
2. KAKINADA MUNICIPAL CORPORATION, REP. BY ITS COMMISSIONER, KAKINADA, EAST GODAVARI DISTRICT - 533 001.

...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 an appropriate writ, order, or direction more particularly in

the nature of Writ of Mandamus, declare the action of the 2nd Respondent Corporation under the impugned notice Roc.No.3659/2026-H3 dt.15-06-2026 issued under section 401,405 and 406 of the Municipal Corporation Act 1994 calling upon the petitioner to remove the encroachment on 21-06-2026 without issuing any show cause notice before determining the alleged encroachment as arbitrary, illegal, and violative of provisions of Municipal Corporation Act apart from violation of fundamental rights grantiid under Articles 14,16,21 and 300-A of the Constitution of India. Violation of Andhra Pradesh Municipal Corporation Act 1994 and consequently set aside the impugned notice and direct the respondents the follow the due procedure 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 to grant stay of all proceedings including evection of the petitioner' property in Sy.No. 31 of Medaline Revenue village pursuant to the notice Dt. 15-06-2026 issued by the 2nd Respondent Corporation pending disposal of the above writ petition, pass

Counsel for the Petitioner:

1. T RAGHU PRASAD

Counsel for the Respondent(S):

1. M Krishna Rao SC for skl vzm kkd Municipal Corporations
2. GP MUNCIPAL ADMN AND URBAN DEV AP

WRIT PETITION NO: 16087/2026

Between:

1. BONAM NAGA SIVA SHANKAR, S/O VERA VENKATA SATYANARAYANA, AGED ABOUT 43 YEARS, R/0 36-1-13-A,WARF ROAD, NEAR PERRAJU PETA, KAKINADA, KAKINADA(URBAN), EAST GODAVARI DISTRICT - 533001.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION

AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522 237.

2. KAKINADA MUNICIPAL CORPORATION, REP. BY ITS COMMISSIONER, KAKINADA, EAST GODAVARI DISTRICT - 533 001

...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 an appropriate writ, order, or direction more particularly in the nature of Writ of Mandamus, declare the action of the 2nd Respondent Corporation under the impugned notice Roc.No.3659/2026-H3 dt. 15-06-2026 issued under section 401,405 and 406 of the Municipal Corporation Act 1994 calling upon the petitioner to remove the encroachment on 21-06-2026 without issuing any show cause notice before determining the alleged encroachment as arbitrary, illegal, and violative of provisions of Municipal Corporation Act apart from violation of fundamental rights grantiid under Articles14,16,21 and 300-A of the Constitution of India. Violation of Andhra Pradesh Municipal Corporation Act 1994 and consequently set aside the impugned notice and direct the respondents the follow the due procedure 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 to grant stay of all proceedings including evection of the petitioner' property in Sy.No. 31 of Medaline Revenue village pursuant to the notice Dt. 15-06-2026 issued by the 2nd Respondent Corporation pending disposal of the above writ petition, pass

Counsel for the Petitioner:

1. T RAGHU PRASAD

Counsel for the Respondent(S):

1. M Krishna Rao SC for skl vzm kkd Municipal Corporations
2. GP MUNCIPAL ADMN AND URBAN DEV AP

WRIT PETITION NO: 16088/2026

Between:

1. AVANIGADDA SATYANARAYANA MURTHY, S/O MEERA SAHEB, AGED ABOUT 69 YEARS, R/O 36-1I 9B,WA9F ROAD, KAKINADA, EAST GODAVARI DISTRICT - 533005.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, ASTHE STATE OF ANDHRA PRADESH,REP.BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522 237.
2. KAKINADA MUNICIAL CORPORATION, REP. BY ITS COMNISSIONER, KAKINADA, EAST GODAVARI DISTRICT - 533 001.

...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 an appropriate writ, order, or direction more particularly in the nature of Writ of Mandamus, declare the action of the 2nd Respondent Corporation under the impugned notice Roc.No.3659/2026-H3 dt.15-06-2026 issued under section 401,405 and 406 of the Municipal Corporation Act 1994 calling upon the petitioner to remove the encroachment on 21-06-2026 without issuing any show cause notice before determining the alleged encroachment as arbitrary, illegal, and violative of provisions of Municipal Corporation Act apart from violation of fundamental rights grantiid under Articles 14,16,21 and 300-A of the Constitution of India. Violation of Andhra Pradesh Municipal Corporation Act 1994 and consequently set aside the impugned notice and direct the respondents the follow the due procedure 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 leased to grant stay of all proceedings including evection of the petitioner'

property in Sy.No. 31 of Medaline Revenue village pursuant to the notice Dt. 15-06-2026 issued by the 2nd Respondent Corporation pending disposal of the above writ petition, pass

Counsel for the Petitioner:

1. T RAGHU PRASAD

Counsel for the Respondent(S):

1. M Krishna Rao SC for skl vzm kkd Municipal Corporations
2. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following Common Order:

Common Order:-

The learned counsel for the petitioners submits that the petitioners are aggrieved by the action of the respondent Corporation in issuing notice dated 15.06.2026, whereby the petitioners were called upon to vacate the said premises by removing the encroachments, as the subject property is required for public purposes.

2. The learned counsel appearing for the petitioners submits that the petitioners have been in possession of the said property for the last 30 years. It is submitted that some of the petitioners had earlier filed W.P.No.4843 of 2016 and this Court directed the respondents to follow due process of law in the event they intended to evict the petitioners. The present notice has been issued branding the petitioners as encroachers.

3. The learned Government Pleader appearing for the State submits that the petitioners have filed copies of electricity bills and photographs relating to the property and have not filed any document to establish their title. It is submitted that the notice issued under Section 405 by the 2nd respondent is well within the purview of the 2nd respondent.

4. Considering the submissions that the petitioners have been in continuous possession for the last three decades, the respondents may grant an opportunity of hearing to the petitioners and the petitioners to submit any documents relating to title and possession of the subject property and the respondent corporation shall consider the same before evicting the

encroachments. The learned Government Pleader appearing for the State also submits that the possession of the petitioners is disputed and that the petitioners have not established their title till date. All these aspects shall be considered by the 2nd respondent while granting an opportunity of hearing to the petitioners. Needless to mention that the respondents may take appropriate steps for clearing the encroachments after completing the above process.

5. With these observations, the Writ Petitions are disposed of. There shall be no order as to costs.

6. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

23.06.2026
PNS