



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

[3457]

MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION NO: 15721 and 28064 of 2025

WP.No.15721 of 2025

Between:

1. PARVINDDR SINGH KOHLEE, S/O. GURUBAKSH SINGH KOHLI,
AGED 64 YEARS, DOOR NO.54-20/3-21, PLOT NO.59,
GURUDWARA STREET, GURUNANAK COLONY, GURUNANAK
NAGAR, VIJAYAWADA-08

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN
DEVELOPMENT DEPARTMENT, SECRETARIAT, AMARAVATHI
2. THE VIJAYAWADA MUNICIPAL CORPORATION, REP. BY ITS
COMMISSIONER, VIJAYAWADA, NTR DISTRICT.
3. PADARTHI SRIDHAR, S/O. SURYA PRAKASA RAO, AGED 54
YEARS. BUSINESS, 41-1/4-38, 1ST LANE, DWARAKA
NAGAR, KRISHNA LANKA, VIJAYAWADA.

...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 any Writ or Order or Direction more particularly one in the nature of Writ of Mandamus, declaring inaction of the 2nd Respondent in allowing Respondent no. 3 in constructing of shed without permission that too on a structure, a part of which is required it to be pulled down, as illegal, arbitrary, unjust, discriminatory and also in violation of the principles of natural justice and consequently direct the 2nd Respondent to remove illegal and un-authorized construction of shed by 3rd Respondent made in D.Ho.27-6-117 B and also the shed raised over the shop in D.No.27-6-117B which is under petitioner occupation and to pass such

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 grant stay of all further works including proceeding with construction by 3rd Respondent in floor of D.no. 27-6-117, at Prakasam Road, Governor Pet, Vijayawada, pending disposal of main Writ Petition and to pass such

IA NO: 2 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 grant leave to the petitioner herein/Respondent No.2 in the Writ Petition No. 15721 of 2025 to file Counter affidavit in the above Writ Petition and pass

Counsel for the Petitioner:

1.D BUTCHI BABU

Counsel for the Respondent(S):

- 1.GP FOR MUNICIPAL ADMN URBAN DEV
- 2.Pilla N.V.L.Narayana Aditya
- 3.S.V.S.S.SIVARAM SC For VMC

WP.No.28064 of 2025

Between:

- 1.PADARTHI SRIDHAR,, S/O SURYA PRAKASA RAO, AGED 54 YEARS, BUSINESS, R/O D.NO.41-1/4-38, 1ST LANE, D WAR AKA NAGAR, KRISHNA LANKA, VIJAYAWADA. KRISHNA DISTRICT, PRESENTLY NTR DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRL. SECRETARY, MUNICIPAL ADMINISTRATION DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.
- 2.THE VIJAYAWADA MUNICIPAL CORPORATION, REP BY ITS COMMISSIONER, VIJAYAWADA. KRISHNA DISTRICT, PRESENTLY NTR DISTRICT.
- 3.PARVINDAR SINGH KOHLEE, S/O GUMBAKSH SINGH KOHLI, AGED 64 YEARS, R/O D.NO.54-20/3-21, PLOT NO.59, GURUDWARA STREET, GURUNANAK COLONY, GURUNANAK NAGAR, VIJAYAWADA. KRISHNA DISTRICT, PRESENTLY NTR 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 by declaring the action on the part of the Respondent no.2 in issuing Notice vide Rc.G2 - 110355/2025 dt.26-09-2025 under Sec.636 of MC Act, 1955 (Municipal Corporation Act) directing the Petitioner to remove the un authorized G.I/Asbestos Shed existing in the first floor of the building bearing D.No.27-6-117, Prakasam Road, Governorpet, Vijayawada, within 7 days from the date of the receipt of the said Notice, without properly considering the Explanation submitted by Petitioner dt.06-07-2025, for the Show Cause Notice dt.25-06- 2025, without serving the said Notice to the Petitioner is nothing but arbitrary, unlawful, highhanded, unreasonable, unjustified, and in violation of the Fundamental Rights of the Petitioner guaranteed under Art.300-A of the Constitution and in violation of the Principles of Natural Justice, by consequently set-aside the Notice vide

Rc.G2 - 110355/2025 dt.26-09-2025 under Sec.636 of MC Act, 1955 (Municipal Corporation Act)

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 Grant Interim Orders of Stay of all further proceedings of the Notice vide Rc.G2 - 110355/2025 dt.26-09-2025 under Sec.636 of MC Act, 1955 (Municipal Corporation Act), either by way of demolition otherwise, until further orders of this Hon'ble Court, pending disposal of Writ Petition

Counsel for the Petitioner:

1.P RAJESH BABU

Counsel for the Respondent(S):

1.D BUTCHI BABU

2.GP MUNICIPAL ADMN AND URBAN DEV AP

3.S.V.S.S.SIVARAM SC For VMC

The Court made the following Common Order :

THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION Nos.15721 and 28064 of 2025

COMMON ORDER:

1. The petitioner in W.P.No.15721 of 2025 is arrayed as respondent No.3 in W.P.No.28064 of 2025 and the petitioner in W.P.No.28064 of 2025 is arrayed as respondent No.3 in WP.No.15721 of 2025. As the dispute between the petitioners and unofficial respondents relate to the same subject property, both the writ petitions are disposed off by a common order.
2. The petitioner in WP.No.15721 of 2025 has alleged illegal and unauthorized construction by the 3rd respondent above the property which is in possession and enjoyment of the petitioner. It is alleged that the 3rd respondent is constructing a shed without obtaining any permission and that part of the structure is required to be pulled down on account of the dilapidated condition.
3. It is stated that the petitioner has taken on lease the property which is presently under occupation of the petitioner from one Kaja Kodanda Rama Prasad and after his demise the rents are being paid to the children of Kaja Kodanda Rama Prasad.
4. The 3rd respondent purchased a part of the building from Kaja Kodanda Rama Prasad in the year 2010 and started to claim the shop under occupation of the petitioner as the property purchased by him and started to claim the rents. The same was disputed by the landlord Kaja Kodanda Rama Prasad as he stated that he never sold the property under occupation of the petitioner to anyone. The 3rd respondent filed

RCC.No.102 of 2013 before the Rent Control Court, Vijayawada seeking to evict the petitioner on the ground that the petitioner has defaulted in paying rents and the property is required for personal use. The RCC.No.102 of 2013 was dismissed and the appeal was also dismissed, thereafter, CRP.No.1207 of 2019 was also dismissed by this Court.

5. It is also submitted that the 3rd respondent is alleged to have with the help of the staff of the 2nd respondent corporation came up to the property with a proposal to demolish the same as the building is in a dilapidated condition. It is also submitted that the 2nd respondent has not served any notice on the petitioner for taking up the proposed demolition. When enquired with the officials of the 2nd respondent, it was informed that notice was served on the 3rd respondent. The petitioner realized the connivance of the officers of the 2nd respondent with the 3rd respondent and thereafter filed OS.No.1727 of 2024 on the file of III Additional Civil Judge (Junior Division), Vijayawada.. The learned Judge granted injunction. The respondents 2 and 3 have contended before the trial Court that the building of the 3rd respondent bearing D.No.27-6-117B at Prakasam Road, Governorpet, Vijayawada is in a dilapidated condition and that it is required to be demolished. The petitioner also filed CC.No.622 of 2019 alleging trespass and also demolishing the shutters of the shop and committing theft of spare parts. The III Metropolitan Magistrate, Vijayawada vide order dated 22.04.2019 has found the accused Nos.1 to 8 guilty. The 3rd respondent is arrayed as accused No.1. It is also submitted that the 3rd respondent having failed in his attempts to occupy the premises of the petitioner has started constructing above the roof of the property in

possession of the petitioner. it is submitted that the said construction is without obtaining any permission and efforts of the petitioner in complaining to the 2nd respondent did not yield any result as the 2nd respondent had simply ignored the complaint of the petitioner.

6. This Court vide interim order dated 11.07.2025 restraining the 3rd respondent from making any construction over the property in possession of the petitioner. The 2nd respondent was further directed that no constructions are made by the unofficial respondents in contravention of the Building Rules.
7. The 2nd respondent has filed a counter and it is stated in the counter that the 2nd respondent received a complaint from the petitioner alleging unauthorized construction by the 3rd respondent. It is also stated that the 2nd respondent issued notice dated 13.08.2024 to the 3rd respondent calling upon the 3rd respondent to remove the structure bearing D.No.27-6-117B at Prakasam Road as the same is in a dilapidated condition. The 2nd respondent also got the structural stability assessed for the said property from Siddhardha Engineering College, dated 05.09.2024. The petitioner had filed a suit and obtained injunction against the respondent Nos.2 and 3. Thereafter, the 3rd respondent was issued notice dated 25.06.2025 referring to the unauthorized shed laid on existing ground floor Madras Terrace Roof building at D.No.27-6-117B. It is also stated that the private dispute between the petitioner and the 3rd respondent has involved the 2nd respondent and both the parties invoked the jurisdiction of this Court by filing writ petition. It is denied that the 2nd respondent is hand in glove with

the 3rd respondent and facilitated the 3rd respondent in constructing the unauthorized structure.

8. The 3rd respondent filed WP.No.28064 of 2025 primarily challenging the action of the 2nd respondent in passing the impugned proceedings dated 26.09.2025 in pursuance of the provisional order dated 25.06.2025. The 2nd respondent has passed the impugned proceedings dated 26.09.2025 calling upon the petitioner in W.P.No.28064 of 2025 to remove the unauthorized construction within a period of seven days, failing which further action shall be initiated at the cost of the writ petitioner.
9. This Court vide order dated 10.10.2025, directed the 2nd respondent not to take any coercive steps against the petitioner.
10. The respondent Nos.2 and 3 filed counters separately. The 2nd respondent has specifically stated in the counter that the petitioner by claiming to be the owner of the property without any permission erected a shed on the first floor of a dilapidated building. The petitioner also alleged that the 2nd respondent is acting at the behest of the 3rd respondent. The impugned notice dated 26.09.2025 was attempted to be served on the petitioner by the officials of the 2nd respondent. However, the petitioner refused to receive the same and as such the 2nd respondent had sent a notice through a registered post.
11. The 3rd respondent has also filed a counter and submits that a portion of the building bearing D.No.27-6-117 is purchased by the 3rd respondent and as such a separate door number is given as D.No.27-6-117B. It is also stated. It is submitted that after having purchase of a portion of the building

the 3rd respondent got removed the Madras Terraced Roof and replaced the same with asbestos sheet in order to prevent danger life.

12. It is also submitted that the vendor of the 3rd respondent had intimated about gifting of the shop to his son and daughter under a registered gift deed dated 22.10.2010 and that the 3rd respondent is paying regularly rents to the present landlords. Allegations about the writ petitioner having an eye on the 3rd respondent's property and that the 2nd respondent is facilitating the petitioner are made in the counter.

13. Heard the learned counsel for the petitioner, the learned standing counsel for the 2nd respondent Corporation and the learned counsel appearing for the 3rd respondent. Perused the material on record.

14. Admittedly, the claim of the rival contesting parties for control of rights over the property bearing D.No.27-6-117 is evidently clear. The petitioner in WP.No.28064 of 2025 has purchased a portion of the building and got a separate door number as D.No.27-6-117B. Both the parties are trying to gain control over the building bearing D.No.27-6-117. Both the parties have involved the 2nd respondent for settling their case. Admittedly, OS.No. 1727 of 2024 is pending adjudication before III Additional Civil Judge (Junior Division), Vijayawada.

15. It is a settled law that any new construction would definitely require the approval of the competent authority. The construction undertaken without approval of the competent authority would require to be appropriately dealt with as per the provisions of applicable Municipal Laws.

16. The structural stability assessment certificate dated 05.09.2024 issued by Siddhardha Engineering College recommended dismantling of the

structure immediately. The structural stability assessment was done for premises bearing No.27-6-117 B. The petitioner in WP.No.15721 of 2025 is claiming possession of the remaining portion of D.No.27-6-117 after the portion bearing D.No.27-6-117B was purchased by the 3rd respondent therein. As such, the notices which were issued in WP.No.15721 of 2025 for the premises bearing D.No.27-6-117B. The petitioner therein should not be aggrieved by the issuance of any such notice to the owner of the premises.

17. Similarly, the petitioner in WP.No.28064 of 2025 is also equally not permitted to raise any unauthorized or illegal constructions without obtaining any permission. It is evident that the petitioner in WP.No.15721 of 2025 sought for protecting his portion of the property and apprehends that the proposed demolition of the portion of building purchased by the 3rd respondent therein may cause structural damages to the property in possession of the petitioner therein.

18. The 2nd respondent Corporation ought to have considered the structural stability certificate, whereby it is categorically mentioned that the building with premises D.No.27-6-117 B is 89 year old and that even after extensive repairs the same may not be habitable and as such suggested for demoliting the structure.

19. The premises bearing D.No.27-6-117 is obviously constructed 89 years ago. In such a scenario, the 2nd respondent ought to have obtained an independent structural assessment certificate from the Department of Civil Engineering from reputed Institutes such as JNTU, Kakinada or NIT, Tadepalligudem and obtain a fresh structural stability assessment of the

entire building bearing D.No.27-6-117 and thereafter take appropriate steps as recommended by the Institutes.

20. Accordingly, appropriate action can be taken by the 2nd respondent after obtaining a fresh assessment for structural safety of the entire building by duly informing all parties concerned. It is the responsibility of the 2nd respondent to ensure that lives of the citizens are not at peril owing to the private disputes between the petitioner and the 3rd respondent. Accordingly, the WP.No.15721 of 2025 is disposed off.

21. Insofar as WP.No.28064 of 2025 is concerned there is nothing on record to show that the petitioner has constructed or undertaken construction of erecting of sheds after obtaining permission from the 2nd respondent. The 2nd respondent has also clarified in the counter that no permission was accorded for construction of the shed. As such, this Court is not inclined to interfere with the impugned proceedings and accordingly the writ petition NO.28064 of 2025 deserves to be dismissed.

22. Accordingly, the W.P.No.15721 of 2025 is disposed off and W.P.No.28064 of 2025 is dismissed. No costs.

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

KGM

JUSTICE HARINATH.N

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.15721 and 28064 of 2025
Dated 09.03.2026

KGM