



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

[3460]

THURSDAY, THE THIRD DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 20032/2023

Between:

1. MANDEPUDI SRINIVASA RAO, , S/O. VENKATESWARLU, AGED ABOUT 54 YEARS, GOVERNMENT EMPLOYEE, R/O. D. NO 18-1-2/A, KUMMARIPALEM, BAPATLA MANDAL, BAPATLA DISTRICT, MO. 9490224515

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION DEPARTMENT, SECRETARIAT BUILDING, VELAGAPUDI, AMARAVATHI,
2. THE COMMISSIONER, BAPATLA MUNICIPAL OFFICE, BAPATLA MANDAL, BAPATLA DISTRICT.
3. THE DISTRICT COLLECTOR, BAPATLA DISTRICT, ANDHRA PRADESH
4. EXECUTIVE ENGINEER, R AND B DEPARTMENT, BAPATLA MANDAL, BAPATLA DISTRICT..
5. THE TOWN PLANNING SURVEYOR, MUNICIPAL OFFICE, BAPATLA MANDAL, BAPATLA DISTRICT.
6. MANDEPUDI PUROSHOTTAM, S/O. SRI RAMULU, AGED ABOUT 53 YEARS, R/O. 133-10-2447, PRASANTHI NAGAR, 2ND LINE, PANDURANGA NAGAR (NAGARALU), AMARVATHI ROAD, GUNTUR -34, MOB. 9440201199.

7. MOTUKURI GOPI, S/O. RATTIAH, AGED ABOUT 25 YEARS, WARD NO.13, SACHIVALAYAM PLANNING SECRETARY, KUMMARIPALEM, BAPATLA MANDAL, BAPATLA DISTRICT.
8. RAJAVARAPU SRINIVASA RAO, S/O. NAGESWARA RAO, AGED ABOUT 30 YEARS, KUMMARIPALEM, BAPATLA MANDAL, BAPATLA DISTRICT
9. KUMMARIPALEM RAMALAYAM TEMPLE KUMMARIPALEM VILLAGE, REP BY ITS PRESIDENT MOTHUKURI NAGARAJU, S/O RATTIAH, AGED 30 YEARS,R/O KUMMARIPALEM VILLAGE, BAPATLA TOWN AND MANDAL, BAPATLA DISTRICT.
- 10.TIMMIDI SRINIVASA RAO S/O KOTESWARARAO, AGED 58 YEARS, R/O KUMMARIPALEM VILLAGE, BAPATLA TOWN AND MANDAL,BAPATLA DISTRICT.
- 11.MOTHUKURI SAMBASIVA RAO S/O RAGHAVULU, AGED 67 YEARS,R/O KUMMARIPALEM VILLAGE, BAPATLA TOWN AND MANDAL, BAPATLA DISTRICT.
- 12.CHANDOLU LAKSHMINARAYANA S/O VEERAAH, AGED 56 YEARS, R/O KUMMARIPALEM VILLAGE, BAPATLA TOWN AND MANDAL, BAPATLA DISTRICT.
- 13.RALI NAGESWARA RAO S/O SAMBAIAH, AGED 45 YEARS,R/O KUMMARIPALEM VILLAGE, BAPATLA TOWN AND MANDAL, BAPATLA DISTRICT.
- 14.SRIKAKULAM MURALI S/O BIRAGI, AGED 43 YEARS,R/O KUMMARIPALEM VILLAGE, BAPATLA TOWN AND MANDAL, BAPATLA DISTRICT.
- 15.SRIKAKULAM SURESH S/O SEETHAIAH, AGED 42 YEARS,R/O KUMMARIPALEM VILLAGE, BAPATLA TOWN AND MANDAL, BAPATLA DISTRICT. RR 9 TO 15 ARE IMPEADED AS PER THE COURT ORDER DT.08.08.2024 VIDE ORDERS PASSED IN I.A.NO. 01 OF 2024.

...RESPONDENT(S):

Counsel for the Petitioner:

- 1.VENKATA MOHAN RAO PATHAKOTA

Counsel for the Respondent(S):

- 1.GP FOR MUNICIPAL ADMN URBAN DEV
- 2.Gudapati Lakshminarayana SC For Municipalities in Rayalaseema Region
- 3.N SRIHARI
- 4.M MANOHAR REDDY (SC FOR MUNC AND MUNC CORP)
- 5..
- 6.NIMMAGADDA REVATHI

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY**WRIT PETITION No.20032 of 2023****ORDER:**

1. The present Writ Petition is filed questioning the action of the Respondents in changing the plan by diverting the drainage canal taking curve to 20 feet in front of the Petitioner's house bearing D.No.18-1-2/A to an extent of 255 Sq. Yards, D.No.369/5 in Ward No.13, New Ward No.32, Kummari Palem, Bapatla Mandal, by closing the northern side pathway, as illegal and arbitrary.

2. The Petitioner claims to be the owner of the above mentioned property by way of succession. It is stated that the property was gifted to him by his grandfather vide document No.1527/1944, dated 22.07.1944. It is stated that subsequently a drainage channel was diverted in front of the house of the Petitioner so as to enable the un-official respondents to construct a Temple by closing R & B canal.

3. Respondent No.2 filed Counter Affidavit denying the Petitioner's contentions and stated that the Highway authorities are arranging the drains and culverts as per the convenience for flow of drainage water without any stagnation. It was also stated that a drainage canal is going to be arranged in R & B site but not in the site of the Petitioner.

4. During pendency of the Writ Petition, the drainage channel was closed but the Temple was being constructed in front of the house of the Petitioner. At this stage, an amendment application was filed by the Petitioner seeking for demolition of the premises of the Temple being constructed without any permission.

5. To the said application, the Respondent No.2 filed additional Counter Affidavit stating that a provisional notice, dated 03.11.2023 was issued to the Committee, which was constructing the Temple in front of the house of the Petitioner under Section 228 of the Andhra Pradesh Municipalities Act, 1965 and subsequently a confirmation order was passed on 16.11.2023. It is also stated that further construction of the Temple is not being proceed with.

6. No Counter Affidavit is filed by the private Respondents.

7. In view of the provisional notice, dated 03.11.2023 and the confirmation order, dated 16.11.2023, the Respondent-Municipality is at liberty to take further action pursuant to the confirmation order.

8. Accordingly, the Writ Petition is disposed of.

9. No order as to costs.

10. As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 03.07.2025

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HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.20032 of 2023

Date: 03.07.2025

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