

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 3434 OF 2025 AND 4948 OF 2023

WRIT PETITION NO: 3434 OF 2025:

Between:

Mohammad Irfan, S/o. Late Mohammad Jalal, Aged about 35 years, Hereditary Muthawalli, Masjid-E-Ayisha Sunna (Able Hadees Mosque), Plot No.26, RTD Layout, Musalayyapalem, Sagar Nagar, Visakhapatnam, R/o. H.No.24-49-39A, Ambusarang Street, Old Post Office, I Town, Visakhapatnam – 530001.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Municipal Administration and Urban Development Department, A.P. Secretariat at Velagapudi, Amaravathi, Guntur District.
2. The Greater Visakhapatnam Municipal Corporation (GVMC), Rep. by its Commissioner, Visakhapatnam.
3. The District Collector, Visakhapatnam District, Visakhapatnam.
4. The Assistant City Planner, Zone-II, GVMC, Visakhapatnam.
5. The A.P. State Wakf Board, Rep. by its Chief Executive Officer, 4th and 5th floor Imdad Ghar, Opp. Kaleswara Rao Market, Vijayawada, Krishna District.
6. Sagar Nagar RTD Layout Plot Owners and Residences Welfare Association, Regd. No.210/2022, 8-4-6/3, 4th Floor, Tara Gev Apartment, Doctors Colony, Pedda Waltair, Rep. by its Secretary.

...Respondents



Petition under Article 226 of the Constitution of India is filed 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 mostly one which is in the nature of a Writ of Mandamus declaring the Final Order vide Rc.No.011/2022/GVMC/ACP-II/G1, dt.26.10.2023 of the 4th Respondent with respect to premises in Masjid-E-Ayisha Sunna (Ahle Hadees Mosque), Plot No.26, RTD Layout, Musalayyapalem, Sagar Nagar, Visakhapatnam being contrary to A.P. Municipal Corporation Act, 1955 and A.P. Metropolitan Region and Urban Development Authorities Act, 2016 as illegal, arbitrary, unreasonable, in violation of principles of natural justice, without jurisdiction, unconstitutional, unjustified and unsustainable and set-aside the same;

IA NO: 1 OF 2025:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents 1 to 4 not to demolish the premises in Masjid-E-Ayisha Sunna (Ahle Hadees Mosque), Plot No.26, RTD Layout, Musalayyapalem, Sagar Nagar, Visakhapatnam in pursuance of the Final Order vide Rc.No.011/2022/GVMC/ACP-II/G1, dt.26.10.2023 of the 4th Respondent, pending disposal of WP.No.3434 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dated 07.02.2025, 10.02.2025, 19.02.2025, 04.03.2025, 18.03.2025, 25.04.2025, 05.05.2025 & 30.06.2025 made herein and upon hearing the arguments of Sri Cheruvu Chaitanya Bhargava Sarma, Advocate for the Petitioner and GP for Municipal Administration & Urban Development for the Respondent No.1 and Sri A.S.C.Bose, Standing Counsel for the Respondent Nos.2 & 4 and GP for Revenue for the respondent No.3 and Sri Kaja Basha, Standing Counsel for the Respondent No.5 the Court made the following;

WRIT PETITION NO: 4948 OF 2023:

Between:

Sagar Nagar RTD Layout Plot Owners and Residences Welfare Association, Regd. No, 210 of 2022, #8-4-6/3, 4th floor, Tara Gev Apartment, Doctors Colony, Peda Waltair, Visakhapatnam. Rep. by its Secretary.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by it's Principal Secretary (MA&UD), Secretariat buildings, Velagapudi, Amaravathi.
2. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
3. The District Collector, Visakhapatnam district.
4. The Zonal Commissioner, Zone-II, Mathurawada, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
5. The District Minorities Welfare Officer, District Collector's Office, Visakhapatnam.
6. The Visakhapatnam Metropolitan-Region Development Authority, 8th Floor, Udyog Bhavan, Siripuram Junction, Visakhapatnam. Rep. by it's Planning Officer.
7. Sagar Nagar Masjid-e-Ayesha Association, #4-160, HIG-II-160, Sagar Nagar, Yendada, Visakhapatnam, Rep. by its President.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of MANDAMUS or any other appropriate writ, order, or direction declaring the action of the 2nd respondent in not considering the several representations, lastly dated 12.12.2022 requesting to stop and demolish the construction being done by the 7th respondent in Plot No. 26 of the

Visakhapatnam Regional Transport Department Employee's Co-operative House Building Society Limited, Sagar Nagar, Visakhapatnam, illegally without permissions and causing severe inconvenience to the residents, as illegal, arbitrary, unconstitutional, violative of Articles 14 and 300-A of Constitution of India and violative of the Provisions of the Municipal Corporation Act in the interest of justice and consequently COMMAND the 2nd respondent to demolish the unauthorized construction raised by the 7th respondent in the subject property in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dated. 01.03.2023, 19.02.2025, 18.03.2025, 25.04.2025, 05.05.2025 & 09.07.2025 made herein and upon hearing the arguments of Sri J.V.PHANIDUTH Advocate for the Petitioner and of GP FOR MA & UD for Respondents 1 & 3, Sri K. Madhava Reddy, Standing Counsel for GVMC for Respondents 2 & 4, GP FOR REVENUE for Respondent 3, Sri V. Surya Kiran Kumar, Standing Counsel for VMRDA for Respondent 6, and of Sri P.Durga Prasad for the respondent No.7, the Court made the following

COMMON ORDER:

"Post on 13.08.2025.

Interim order granted earlier is extended till then."

SD/- A. VIJAYA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri. Cheruvu Chaitanya Bhargava Sarma, Advocate [OPUC]
2. One CC to Sri J.V.Phaniduth, Advocate [OPUC]

3. Two CCs to GP for Municipal Administration & Urban Development, High Court of AP [OUT]
4. One CC to Sri A.S.C.Bose, Standing Counsel, High Court of Andhra Pradesh. [OPUC]
5. One CC to Sri Kaja Basha, Standing Counsel, High Court of Andhra Pradesh. [OPUC]
6. One CC to Sri K. Madhava Reddy, Standing Counsel for GVMC, High Court of Andhra Pradesh [OPUC]
7. One CC to Sri V. Surya Kiran Kumar, Standing Counsel for VMRDA, High Court of Andhra Pradesh [OPUC]
8. Two CCs to GP for Revenue, High Court of AP [OUT]
9. One spare copy

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HIGH COURT

HN,J

DATED:06.08.2025

POST ON 13.08.2025

ORDER

WP.No. 3434 OF 2025 AND 4948 OF 2023

INTERIM ORDER EXTENDED

