

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

TUESDAY, THE TWENTY SIXTH DAY OF MAY,
TWO THOUSAND AND TWENTY



:PRESENT:

THE HONOURABLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION NO: 9126 OF 2020

Between:

1. K. Appa Rao, S/o Krishnaiah,
2. K. Chandra Sekhar, S/o Venkata Ramaiah,
3. M. Ratna Devi, S/o M. Sree Rama Murthy,
4. V. Venkateswa Rao, S/o Srinivasa Rao,
5. K. Ravindra Kumar, S/o Ramachandra Rao,
6. K. Suryanarayana, S/o Appa Rao,
7. K. Pardha Saradhi, S/o K. Venkata Ramaiah

Petitioners

AND

1. The State of Andhra Pradesh,, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Collectorate Campus, Machilipatnam, Krishna District.
3. The Capital Region Development Authority, Rep by its Commissioner, Vijayawada, Krishna District
4. The Mandal Parishad Development Officer, Penamaluru Village and Mandal, Vijayawada, Krishna District.
5. The Tadigadapa Gram Panchayat, Rep. by its Executive Officer, Tadigadapa, Penamaluru Mandal, Vijayawada, Krishna District

Respondents

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 please to issue an appropriate Writ or Order or direction more particularly one in the nature Writ of Mandamus declaring the action, things and deeds of Respondents in propose to construct two buildings for Grama Sachivalayam and Primary Health Centre in the Open Space earmarked for Park, Play Ground, Community Facilities in Padmaja Nagar in an extent of 500 Sq.Mtrs., out of 4044.24 Sq.Mtrs. in R.S.Nos 15, 20/1, 10/7 and 16/1 of Tadigadapa Village, Penamaluru Mandal, Krishna District, which is illegal, irregular, arbitrary, in violation of Final Revised Approved Layout Plan in L.P.No.17/2006 and in violation of Articles 14, 19 and 21 of Constitution of India, consequently direct the Respondents not to construct any buildings in the Open Space earmarked for Park, Play Ground, Community facilities in Padmaja Nagar in an extent of 500 Sq.Mtrs., out of 4044.24 Sq.Mtrs. in R.S.Nos.15, 20/1, 10/7 and 16/1 of Tadigadapa Village, Penamaluru Mandal, Krishna District.

IA NO: 1 OF 2020 : 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 Direct the Respondents forthwith stop the construction of two buildings in the Open Space earmarked for Park, Play Ground, Community facilities in Padmaja Nagar in an extent of 500 Sq.Mtrs., out of 4044.24 Sq.Mtrs., in R.S.Nos 15, 20/1, 10/7 and 16/1 Tadigadapa Village, Penamaluru Mandal, Krishna District, pending disposal of WP 9126 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and affidavit filed in support thereof and upon hearing the arguments of Sri Narasimha Rao Gudiseva, Advocate for the Petitioners, and GP for Municipal Admn for the Respondents, the Court made the following

ORDER:

Heard the arguments of learned counsel for the petitioners and respondents.

Learned counsel for the petitioners submits that the respondents are going to construct of building in Open Space earmarked for Park, Play Ground, Community facilities in Padmaja Nagar in an extent of 500 Sq Mtrs out of 4044.24 Sq Mtrs in R.S.Nos.15, 20/1, 10/7 and 16/1 of Tadigadapa Village, Penamaluru Mandal, Krishna District.

Learned Government Pleader seeks time for getting instructions in this matter.

The petitioners claim that they are residing in the above said property and they would be put to irreparable loss in case if the constructions are allowed in the Open Space earmarked for the above said purpose. However it is a matter to be considered on getting instructions from the learned counsel for the respondents.

In the meanwhile, the respondents are directed not to make any constructions in the said Open site till 29.05.2020.

Post on 29.05.2020.

Sd/- M. Suryanadha Reddy
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of A.P., Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Collectorate Campus, Machilipatnam, Krishna District.
3. The Commissioner, Capital Region Development Authority, Vijayawada, Krishna District
4. The Mandal Parishad Development Officer, Penamaluru Village and Mandal, Vijayawada, Krishna District.
5. The Executive Officer, Tadigadapa Gram Panchayat, Tadigadapa, Penamaluru Mandal, Vijayawada, Krishna District (**Addressee Nos 1 to 5 by RPAD**)
6. One CC to Sri. Narasimha Rao Gudiseva, Advocate [OPUC]
7. Two CCs to GP for Municipal Admn ,High Court Of Andhra Pradesh. [OUT]
8. One spare copy

Skm

HIGH COURT

GSP,J

DATED:26/05/2020

NOTE: POST ON 29-05-2020

ORDER

WP.No.9126 of 2020

DIRECTION

