

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH



IA No. 1 OF 2022

IN

WP NO: 32770 OF 2022

Between:

Perakalapadu Pradamika Vyavasaya Parapathi Sangam Ltd., Parapathi Sangam Ltd Rep by its President, Boddurai Center, Perakalapadu Village, Kanchikacherla Mandal, NTR District

...Petitioner

AND

1. The Andhra Pradesh Capital Region Development Authority, (APCRDA) Rep. by its Commissioner, Vijayawada, NTR District.
2. The Junior Planning Officer, APCRDA, Vijayawada, NTR District
3. The Prekalapadu Gram Panchayat, Rep by its Panchayat Secretary, Perakalapadu, Kanchikacherla Mandal, NTR District.

...Respondents

Counsel for the Petitioner :SRI R S MANIDHAR PINGALI

Counsel for the Respondent Nos.1 & 2: SRI Sri K. Jaganmohan Reddy,
Standing Counsel

Counsel for the Respondent No.3: Sri I Koti Reddy, Standing Counsel

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 may be pleased to direct the respondent Nos. 2 and 3 not to interfere with the construction of the petitioner situated in R. S.No. 83(P), Perakalapadu Village, Kanchikacherla Mandal, NTR District, pending disposal of WP No.32770 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following;

ORDER:

"The present Writ Petition is filed challenging the provisional order passed by the 2nd respondent dated 13.07.2022 and confirming the said order on 03.08.2022 without following due process of law, thereby threatening the petitioner for removal of the constructions as illegal and arbitrary.

Learned standing counsel appearing on behalf of the respondents, on instructions, submitted that the petitioner has not made any application for approval of Building Permission and without making any application and without getting the plan approved from the competent authorities, the


petitioner-society is proceeding with the construction. Hence, the respondents issued notice under Section 115 of A.P.

Learned counsel appearing on behalf of the petitioner submitted that in fact, they have made an application to the respondent No.3-Grama Panchayat, upon which said Grama Panchayat endorsed their application stating that it is not the competent authority to accord permission. He further submitted that in view of the disputes in the petitioner-society, already one writ petition was filed and pending before this court, now based on the influence of some third parties, the respondents are interfering with the construction.

The fact remains that the petitioner has not filed any application for building permission.

In view of the same, liberty is given to the petitioner to approach the respondents 1 and 2 by filing appropriate application, as per the provisions of the APRCRDA Act and the rules made there under, within a period of two (02) weeks. On filing such application, the authorities are directed to consider the same and take appropriate action in accordance with law.

Till such time, the respondents are directed not to take coercive steps pursuant to the order dated 03.08.2022."

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

For

To,

1. The Commissioner, Andhra Pradesh Capital Region Development Authority, (APCRDA) Vijayawada, NTR District.
2. The Junior Planning Officer, APCRDA, Vijayawada, NTR District
3. The Panchayat Secretary, Prekalapadu Gram Panchayat, Perakalapadu, Kanchikacherla Mandal, NTR District. (1 to 3 by RPAD)
4. One CC to Sri. R S Manidhar Pingali, Advocate [OPUC]
5. One CC to Sri. K. Jaganmohan Reddy, Standing Counsel [OPUC]
6. One CC to Sri I Koti Reddy, Standing Counsel [OPUC]
7. One spare copy.

MSB

HIGH COURT

DR,J

DATED:11/10/2022

ORDER

IA NO.1 OF 2022

IN

WP.No.32770 of 2022

INTERIM DIRECTION

