

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
***THE HONOURABLE SRI JUSTICE HARINATH.N**
+WRIT PETITION NO: 20853 OF 2025
%10.11.2025

Between:

1. YUVAJANA SHRAMIKA RYTHU CONGRESS PARTY(YSRCP), ,
REP BY ITS., THE DISTRICT PRESIDENT, PERNI VENKATA
RAMAIAH @ NANI, AGE 57 YEARS, R/O.23/346,
RAMANAIDUPETA, MACHILIPATNAM, KRISHNA DISTRICT
ANDHRA PRADESH - 534003.
2. PERNI VENKATA RAMAIAH @ NANI,, S/O. LATE SRI PERNI
KRISHNA MURTHY AGED ABOUT 57 YEARS, R/O.23/346,
RAMANAIDUPETA, MACHILIPATNAM, KRISHNA DISTRICT
ANDHRA PRADESH - 534003.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN
DEVELOPMENT (MA AND) DEPARTMENT, SECRETARIAT,
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, MACHILIPATNAM, KRISHNA
DISTRICT, ANDHRA PRADESH.
3. THE MACHILIPATNAM MUNICIPAL CORPORATION, REP BY ITS
COMMISSIONER, MACHILIPATNAM KRISHNA DISTRICT, ANDHRA
PRADESH.
4. THE MACHILIPATNAM URBAN DEVELOPMENT AUTHORITY, REP
BY ITS VICE CHAIRMAN, MACHILIPATNAM, KRISHNA DISTRICT,
ANDHRA PRADESH.
5. THE DEPUTY SUPERINTENDENT OF POLICE, MACHILIPATNAM,
KRISHNA DISTRICT, ANDHRA PRADESH.
6. THE STATION HOUSE OFFICER, CHILAKALAPUDI PS, KRISHNA
DISTRICT, ANDHRA PRADESH.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. Y NAGI REDDY

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR MUNICIPAL ADMN URBAN DEV
3. GP FOR REVENUE
4. SOMISETTY GANESH BABU SC For VUDA and MUDA
5. A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

<Gist:

>Head Note:

? Cases referred:

This Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
***THE HONOURABLE SRI JUSTICE HARINATH.N**
+WRIT PETITION NO: 20853 OF 2025

Between:

- 1.YUVAJANA SHRAMIKA RYTHU CONGRESS PARTY(YSRC), ,
REP BY ITS., THE DISTRICT PRESIDENT, PERNI VENKATA
RAMAIAH @ NANI, AGE 57 YEARS, R/O.23/346,
RAMANAIDUPETA, MACHILIPATNAM, KRISHNA DISTRICT
ANDHRA PRADESH - 534003.
- 2.PERNI VENKATA RAMAIAH @ NANI,, S/O. LATE SRI PERNI
KRISHNA MURTHY AGED ABOUT 57 YEARS, R/O.23/346,
RAMANAIDUPETA, MACHILIPATNAM, KRISHNA DISTRICT
ANDHRA PRADESH - 534003.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN
DEVELOPMENT (MA AND) DEPARTMENT, SECRETARIAT,
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
- 2.THE DISTRICT COLLECTOR, MACHILIPATNAM, KRISHNA
DISTRICT, ANDHRA PRADESH.
- 3.THE MACHILIPATNAM MUNICIPAL CORPORATION, REP BY ITS
COMMISSIONER, MACHILIPATNAM KRISHNA DISTRICT, ANDHRA
PRADESH.
- 4.THE MACHILIPATNAM URBAN DEVELOPMENT AUTHORITY, REP
BY ITS VICE CHAIRMAN, MACHILIPATNAM, KRISHNA DISTRICT,
ANDHRA PRADESH.
- 5.THE DEPUTY SUPERINTENDENT OF POLICE, MACHILIPATNAM,
KRISHNA DISTRICT, ANDHRA PRADESH.
- 6.THE STATION HOUSE OFFICER, CHILAKALAPUDI PS, KRISHNA
DISTRICT, ANDHRA PRADESH.

...RESPONDENT(S):

DATE OF ORDER PRONOUNCED : 10.11.2025

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE HARINATH.N

- | | |
|--|--------|
| 1. Whether Reporters of Local newspapers may
be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of order may be marked
to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair
copy of the order? | Yes/No |

JUSTICE HARINATH.N

APHC010408592025



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

[3457]

MONDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 20853/2025

Between:

1. YUVAJANA SHRAMIKA RYTHU CONGRESS PARTY (YSRCP), ,
REP BY ITS., THE DISTRICT PRESIDENT, PERNI VENKATA
RAMAIAH @ NANI, AGE 57 YEARS, R/O.23/346,
RAMANAIDUPETA, MACHILIPATNAM, KRISHNA DISTRICT
ANDHRA PRADESH - 534003.
2. PERNI VENKATA RAMAIAH @ NANI,, S/O. LATE SRI PERNI
KRISHNA MURTHY AGED ABOUT 57 YEARS, R/O.23/346,
RAMANAIDUPETA, MACHILIPATNAM, KRISHNA DISTRICT
ANDHRA PRADESH - 534003.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN
DEVELOPMENT (MA AND) DEPARTMENT, SECRETARIAT,
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, MACHILIPATNAM, KRISHNA
DISTRICT, ANDHRA PRADESH.
3. THE MACHILIPATNAM MUNICIPAL CORPORATION, REP BY
ITS COMMISSIONER, MACHILIPATNAM KRISHNA DISTRICT,
ANDHRA PRADESH.
4. THE MACHILIPATNAM URBAN DEVELOPMENT AUTHORITY,
REP BY ITS VICE CHAIRMAN, MACHILIPATNAM, KRISHNA
DISTRICT, ANDHRA PRADESH.
5. THE DEPUTY SUPERINTENDENT OF POLICE,
MACHILIPATNAM, KRISHNA DISTRICT, ANDHRA PRADESH.
6. THE STATION HOUSE OFFICER, CHILAKALAPUDI PS,
KRISHNA DISTRICT, ANDHRA PRADESH.

...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 topleased to issue a Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, aggrieved by the inaction of the Respondents.No.3 and 4 in issuing the completion/occupancy certificate to the building constructed for the purpose of YSRCP Party Office in R.S.No.371-A1-S.W.No.IV to an extent of Ac.2.00 situated at Edepalli area, Machilipatnam Town within the Machilipatnam Municipal Corporation limits pursuant to the representations dated 29.04.2025 and 16.07.2024 and further inaction in restoring the access road constructed by the Petitioner on the Municipal Drainage, as illegal, arbitrary, politically motivated, and violative of the principles of natural justice, and it infringes upon the fundamental rights guaranteed under Articles 14, 19(1)(c), 21 and 300-A of the Constitution of India and contrary to the directions passed by this Hon'ble Court in WP.No.13396 of 2024, dated 04.07.2024 and in contravention of the provisions of the A.P. Metropolitan Region and Urban Development Authorities Act, 2016, the A.P. Building Rules, 2017, and the A.P. Municipal Corporations Act, 1955 and consequently direct the Respondents to issue the occupancy certificate/completion certificate to the Petitioners forthwith by restoring the access road across the Municipal Drainage and/or pass

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 pleased to direct the Respondents herein to restore the pathway/access Road constructed by the Petitioners across the Municipal Drainage for usage of the Party Office existed in R.S.No.371-A1-S.W.No.IV to an extent of Ac.2.00 at Edepalli area, Machilipatnam Town within the Machilipatnam Municipal Corporation limits and/or pass

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 pleased to direct the Respondents herein to allow the Petitioners to carry on the political activities in R.S.No.371-A1-S.W.No.IV to an extent of Ac.2.00 situated at Edepalli area, Machilipatnam Town within the Machilipatnam Municipal Corporation limits by issuing the occupancy certificate/completion certificate and/or pass

Counsel for the Petitioner(S):

1.Y NAGI REDDY

Counsel for the Respondent(S):

1.GP FOR HOME

2.GP FOR MUNICIPAL ADMN URBAN DEV

3.GP FOR REVENUE

4.SOMISETTY GANESH BABU SC For VUDA and MUDA

5.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N
WP.No.20853 of 2025

ORDER :

1. The petitioners are aggrieved by the inaction of respondent No. 3 in issuing the completion or occupancy certificate for the building constructed for use as the party office. However, the 3rd respondent is denying the issuance of an occupancy certificate for putting the building to use by occupying it.
2. The learned counsel appearing for the petitioners submits that the petitioners had obtained 2 acres of land on a lease basis and the Government had issued GOMS No. 360 dated 18.05.2022, granting 33-year lease to the first petitioner. It is submitted that the said allotment aligns with BSO 24 and GOMS No. 571 dated 14.09.2012. It is submitted that the petitioners applied for building permission and paid the requisite and applicable fee.
3. It is also submitted that the building constructed by the petitioners was assessed to tax, and the petitioner had also paid an amount of Rs.25,52,384 towards property tax on various dates during 2023 and 2024, and obtained the relevant receipts. It is also submitted that the petitioners paid the building approval fee of Rs.7,77,155 to the respondent authorities. However, the petitioners' request for an occupancy certificate is delayed by the respondent authorities, and it appears that the respondent

authorities are in the process of denying the issuance of an occupancy certificate for the petitioners constructed building.

4. It is submitted that the respondent's authorities issued a provisional notice dated 26.06.2024 under Sections 452(1), 461(1), 428, 429 of the AP Municipal Corporation Act, 1955 and Section 89(1), 89(2), 82, 90(1) of the APMR & UDA Act 2016. It is submitted that the petitioners submitted a detailed response to the provisional Order and thereafter submitted all the relevant documents and placed the facts for consideration of the respondent authorities. As the respondents were exhibiting a hostile approach towards the petitioners, the petitioners challenged the provisional Order and filed WP 13396 of 2024, which was disposed of by this Court on 04.07.2024.
5. This Court, in a batch of writ petitions, directed the respondents therein to follow the due procedure of law before taking any coercive action against the petitioners' constructed building. This Court also directed the respondents to take into account the additional explanations, if any, and the documents submitted by the petitioners, and to grant the petitioners an opportunity of hearing. It was also directed that the respondent shall not take any coercive steps pending the consideration of the petitioners' replies/representations in the proceedings. The learned Single Judge of this Court also observed that the power of demolition

should not be resorted to unless the overwhelming public interest is involved.

6. It is submitted that the petitioners submitted the additional representation on 16.07.2024, along with additional documents, and requested the grant of an opportunity of a personal hearing before passing the orders. It is submitted that the respondents thereafter passed a confirmation order dated 09.05.2025 without reference to the representations of the petitioners and the additional material submitted by the petitioners vide representations dated 27.06.2024 and 16.07.2024. It is also submitted that the confirmation orders dated 09.05.2025 also do not refer to the orders passed by this Court in WP 11396 of 2024. It is submitted that the respondents' acts are highly motivated and instigated by those in power.
7. It is submitted that the respondents cannot deny issuing the occupancy certificate to the building without any valid and substantial cause. It is submitted that the men from the Office of Municipality visited the construction site during the construction and were completely satisfied that the petitioner was constructing well within the permissible limits. It is submitted that at no point of time did the respondent authorities point out any discrepancies or shortfalls in construction that would require the attention of the petitioners for the grant of an occupancy certificate.

8. It is submitted that the licensed technical person(LTP) who was authorized to upload the documents and submit the other details on the online portal is now denied access, and that the LTP is also influenced by the respondent authorities not to upload any documents relating to the petitioners. It is submitted that the LTP work under the instructions, supervision and control of the respondent authorities. It is submitted that these steps are taken by the respondent authorities in a motivated manner and on account of the political differences between the petitioners and the party in power at present.
9. It is submitted that the petitioners subsequently filed WP 13421 of 2025, challenging the unilaterally and arbitrarily issued confirmation order. The writ petition was closed, as the respondent authorities informed the Court that they intended to withdraw the provisional Order and the confirmation order, which were challenged in the said writ petition. The writ petition was closed on the submissions of the Standing counsel appearing for the respondent authorities, leaving it open to issue fresh notices if need be.
10. It is submitted that the respondent authorities have delayed the grant of an occupancy certificate, and that the petitioners have not been able to utilise the building for which it was constructed. It has also submitted that for providing access to the petitioners'

building, the petitioners had also laid a slab over the municipal drain and erected iron fencing for the safety of the people who use the said ingress and egress to the building of the petitioners. It is submitted that the respondent authorities, with a mala fide intention, demolished the slab over the drain, rendering the building completely inaccessible from the main road. It is also submitted that whenever the petitioners are trying to lay a slab over the drain without causing any obstruction to the flow of the drain water for access to the constructed building, the respondent Nos . 5 and 6 are sending their men and preventing the petitioners from laying the access slab to the building of the petitioners.

11. It is also submitted that the petitioners had filed a reply to the shortfalls notified by the respondent's authorities vide their correspondence dated 26.06.2024. However, despite the submission of all required documents, the respondent authorities have not issued the occupancy certificate. It is also submitted that the respondent authorities, after blocking the LTP's access, cannot expect the petitioners to submit any documents online. It is submitted that the petitioners had again physically submitted the documents as called upon by the respondent authorities, in pursuance of the directions of this Court dated 21.08.2025.

12. The learned standing counsel appearing for the respondent no. 3 has filed a detailed counter, and it is submitted that, apart from complying with the shortfalls notified to the petitioners, the petitioners would also be liable to pay an additional amount of Rs.25,00,000 towards the impact fee, and that the petitioners had so far not paid the impact fee. It is submitted that the petitioners are in the process of evading the said impact fee and has approached this Court by filing the present writ petition. It is submitted that the petitioners have paid property tax and vacant land tax to the respondent No. 3, which cannot suffice, and that the demand for payment of an additional amount of Rs.25,00,000 towards impact fee is separate and would have to be paid by the petitioners. The counter of the 3rd respondent would imply that the petitioners are liable to pay an additional amount of Rs.25,00,000 towards the impact fee, apart from the vacant land tax and the building permit fee paid by the petitioners.
13. The fourth respondent has also filed a detailed counter reiterating the stand of the respondent no. 3. However, in addition to the stand of the respondent No. 3, the respondent No.4 has submitted that the petitioner would have to approach the respondent no. 3 by submitting all the required documents for complying with the shortfalls through the online process only

through LTP. It is also submitted that there is no provision for submitting physical documents for the grant of an occupancy certificate. It is submitted that Rule 3(22) of the AP Building Rules 2017 mandates online submission.

14. It is submitted that this Court, vide Order dated 21.08.2025, after considering the submissions of the learned counsel for the petitioners that the online access for the LTP was blocked, had permitted the petitioners to submit a physical application to the respondent. 3 and further directed the respondent no. 3 to consider the same and pass an appropriate Order.
15. It is submitted that when the Rule mandates the petitioner to submit the shortfalls called for through the online process, and the respondent authorities, having received the physical documents, have referred the matter to the Government for their opinion for passing the necessary orders. It is submitted that the matter is pending consideration with the Government.
16. Heard the learned counsel for the petitioner, the learned standing counsel for the respondents 3 and 4. Perused the material on record.
17. It is not in dispute that the petitioners constructed the building in accordance with the building permit order dated 21.06.2024. It is also not in dispute that the petitioner has paid the building application and permit fees, apart from the vacant land tax. The

respondent authorities withdrew the impugned proceedings in WP.No.13421 of 2025. Insofar as the grant of the occupancy certificate is concerned, all the documents were submitted and the shortfalls called upon were complied with apart from handing over one more set of the said documents to the 3rd respondent in pursuance of the directions of this Court dated 21.08.2025.

18. The learned standing counsel for the respondent Nos.3 and 4 places heavy reliance on Rule 3 (22) of Andhra Pradesh Building Rules, 2017. The said Rule deals with Sanction of Building Permit Applications through Online Building Permission Management System.
19. It is pertinent to refer to Rule 3 (10) (a) (i) of AP Building Rules, 2017, which would entitle the applicant to submit an application for building permission in writing and/or through online as prescribed by the concerned authority. It is equally pertinent to refer to Rule 3(33) of the Andhra Pradesh Building Rules, 2017, which mandates that, upon receipt of a notice of completion, the sanctioning authority or authorised person must inspect and verify the building and issue the occupancy certificate if no shortfalls are notified.
20. As seen from the facts of the present case, the shortfalls were notified to the petitioner, and the petitioner had complied with the shortfalls, apart from submitting one more set of documents,

complying with the shortfalls, in the physical form in pursuance of the directions of this Court dated 21.08.2025.

21. Rule 3(10)(a)(i) Andhra Pradesh Building Rules, 2017 would entitle the applicant to apply for permission in writing or through online. Rule 3(22) of the Andhra Pradesh Building Rules, 2017, is not applicable to the facts of the case, as the construction of the petitioners had passed the stage of permission for construction. The building is completed and is awaiting the issuance of an occupancy certificate.
22. The submissions of the learned standing counsel for the 4th respondent, that they are awaiting to hear from the 1st respondent on the way forward in the present issue does not hold the scrutiny of law. The reference to the 1st respondent appears to be on account of the petitioners submitting the shortfalls in the physical form, which anyway permissible under Rule 3(10)(a)(i) of the AP Building Rules 2017. That apart, the vindictive acts of the respondents are evident from the way the occupancy certificate for a constructed building is denied all these days. The respondents also resorted to disrupting the access to the building.
23. The duty of the respondents is to process the grant of occupancy certificate for the petitioners building in a routine and standard manner. The inaction on part of the respondents in following the

routine and standard approach clearly implies the external pressure and influence on them.

24. There is no justification for the acts of the respondent authorities in denying the occupancy certificate without any justifiable cause. It is also pertinent to mention that the respondent authorities would be duty-bound to issue an occupancy certificate for the building once it is completed in all respects and fit for occupation. With regard to the respondents' stand that the petitioners are liable to pay an approximate amount of Rs . 25,00,000/- towards the impact fee, no such notice calling upon the petitioners to pay the said fee is placed before this Court, except for referring to it in the counter.
25. However, considering the submissions of the respondent Nos.3 and 4 that the petitioner would have to pay the impact fee of approximately Rs.25,00,000/-, the respondent No.3 shall determine the impact fee and notify the petitioner to pay the said amount. On payment of the impact fee levied on the petitioner, the 3rd respondent shall issue the occupancy certificate to the petitioner's building.
26. There shall be a further direction to the 3rd respondent to determine and notify the exact amount of the impact fee payable by the petitioner within a period of two weeks from the date of receipt of this Order. Upon the petitioner paying the demanded

impact fee, the 3rd respondent shall issue the occupancy certificate for the building constructed by the petitioners within one week from the date of receipt of the impact fee.

27. Insofar as the constant interference of the respondents in demolishing/removing the slabs laid over the drain for ingress and egress into the petitioners' building is concerned, it is the responsibility of the state to lay an underground drainage system to ensure the safety of the citizens. However, laying slabs over the open drains without obstructing the free flow of drain water would not have any adverse implications or cause public inconvenience. On the contrary, laying of slabs over the open drains would ensure the safety of the citizens. On these considerations, there shall be a direction to the respondents not to disturb/demolish the slabs laid on the drain for ingress and egress to the building of the petitioners. The petitioner shall ensure that there shall be no obstruction for free flow of drain water below.

28. With these observations, the writ petition is disposed of. No costs.

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

JUSTICE HARINATH.N

Dated 10.11.2025
KGM

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.20853 of 2025

Dated 10.11.2025

KGM