

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION NO.32050 OF 2025

Between:

A.Praharsh Dhana Syam

... Petitioner(s)

Versus

The State of AP & Others

...Respondents

* * * * *

DATE OF ORDER PRONOUNCED : 13.08.2026

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

1. Whether Reporters of Local Newspapers
may be allowed to see the Judgment/Order? Yes/No
2. Whether the copy of Order may be
marked to Law Reporters/Journals? Yes/No
3. Whether His Lordship wish to see the
fair copy of the Judgment/Order? Yes/No

JUSTICE K.SREENIVASA REDDY

*** HONOURABLE SRI JUSTICE K.SREENIVASA REDDY**

+ WRIT PETITION NO.32050 OF 2025

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Between:

A.Praharsh Dhana Syam

... Petitioner(s)

Versus

The State of AP & Others

...Respondents

! Counsel for the Petitioner(s) : M/S. Pathi Siva Prasad

^ Counsel for the Respondents :

1. Government Pleader for Panchayat Raj and Rural Development
2. Government Pleader for Home
3. Government Pleader for Revenue
4. Standing counsel for Gram Panchayat
5. Sri Ghanta Sridhar

< Gist:

> Head Note:

? Cases referred:

1. Ashok Kumar Gupta v. State of U.P. [Neutral Citation No.- 2025:AHC:103497-DB of the Allahabad High Court].
2. Mukteshwar Mahadev Mukteshwari Durga Dharmarth Seva Samiti and another v. State of U.P. and others [Writ – C No.3256 of 2026 dated 20.02.2026].

This Court made the following:

Date on which Order/Judgment was reserved : 02.07.2026
 Date on which Order/Judgment was pronounced : 13.08.2026
 Date on which Order/Judgment was uploaded on the website of the High Court : 13.08.2026

APHC010613772025



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

[3327]THURSDAY, THE 13th DAY OF AUGUST 2026**PRESENT****THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY****WRIT PETITION NO: 32050/2025****Between:**

- 1.ANUMUKONDA PRAHARSH DHANA SYAM,, SON OF APPARAO, AGED ABOUT 34 YEARS, RESIDING OF DOOR NO. 2/235, KAPULA VEEDHI, KAIKALURU VILLAGE AND MANDAL, ELURU DISTRICT.

...PETITIONER**A N D**

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPLE SECRETARY, PANCHAYATRAJ AND RURAL DEVELOPMENT DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI.
- 2.THE DISTRICT COLLECTOR, WEST GODAVARI DISTRICT, ELURU.
- 3.THE SUPERINTEDENT OF POLICE, ELURU, WEST GODAVARI DISTRICT.
- 4.THE KAIKALURU GRAMA PANCHAYAT, KAIKALURU, WEST GODAVARI DISTRICT, REP. BY ITS PANCHAYAT SECRETARY.
- 5.THE DEPUTY EXECUTIVE ENGINEER, PRI SUB DIVISION, MANDAVALLI, ELURU DISTRICT.
- 6.BUDDHA VENKATA RAMAIAH, SON OF MUSALAIAH, AGED ABOUT 85 YEARS. RESIDENT OF DOOR NO. 11-137, NETHIKOTTU STREET, KAIKALURU GRAM PANCHAYAT AND MANDAL, ELURU DISTRICT
- 7.BUDDHA SRINIVASA RAO, S/O. LATE BUDDHA MUSALAIAH, AGED ABOUT 63 YEARS, R/O. DOOR NO. 8-52, KAIKALURU VILLAGE AND MANDAL, KRISHNA DISTRICT, ANDHRA PRADESH. R7 IMPEADED AS PER COURTS ORDER DT. 17.06.2026 IN I.A.NO.1 OF 2026

...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 to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondents more particularly respondent No. 4 and 5 in refusing to demolish the dilapidated building which is more than 100 years old which is Assessment No. 2455 in door No. 11-137, NethiKottu Street, Kaikaluru Gram Panchayat and Mandal, Eluru District, on a ground that there is civil litigation was pending before the court of law by passing a proceedings vide Lr. No /PRISD. Mandavalli 2025 dated 08.09.2025, which is highly illegal, arbitrary and violation of Article 14, 21 and 300A of the Constitution of India and consequently set aside the rejection proceedings passed by the 5th respondent vide Lr. No /PRISD. Mandavalli 2025 dated 08.09.2025 and pass such

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 to direct the respondents to demolish the delapidated subject building which is more than 100 years old vide Assessment No. 2455 in Door No. 11-137, NethiKottu Street, Kaikaluru Gram Panchayat and Mandal, Eluru District by considering the representation of the petitioner and villagers as well dated 21.07.2025 pending disposal of the above writ petition and pass such

IA NO: 1 OF 2026

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 implead me as 7th Respondent in the main WP No. 32050 of 2025 and to pass

Counsel for the Petitioner:

1.PATHI SIVA PRASAD

Counsel for the Respondent(S):

- 1.GP FOR PANCHAYAT RAJ RURAL DEV
- 2.GHANTA SRIDHAR

The Court made the following:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY**WRIT PETITION NO: 32050 OF 2025****ORDER**

Heard Sri Pathi Siva Prasad, learned counsel for the Writ Petitioner, learned Assistant Government Pleader for the Panchayat Raj and Rural Development, learned Assistant Government Pleader for Home, learned Assistant Government Pleader for the Revenue, Sri Y.Koteswara Rao, learned Standing Counsel for the Gram Panchayat, and Sri Ghanta Sridhar, learned counsel for the respondent Nos.6 and 7.

2. This Writ Petition is filed seeking the following relief:

“....to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondents more particularly respondent Nos.4 and 5 in refusing to demolish the dilapidated building which is more than 100 years old which is Assessment No.2455 in Door No.11-137, Nethikottu Street, Kaikaluru Gram Panchayat and Mandal, Eluru District, on a ground that there is a civil litigation was pending before the Court of law by passing a Proceedings vide Lr.No. /PRISD, Mandavalli 2025 dated 08.09.2025, which is highly illegal, arbitrary and violation of Articles 14, 21 and 300A of the Constitution of India, and consequently, set-aside the rejection proceedings passed by 5th respondent vide Lr. No. /PRISD, Mandavalli 2025 dated 08.09.2025 and pass such other order or orders ...”

3. Contents of the affidavit filed by the petitioner, in brief, are that *vide* Gift Deed Doc.No.7508 of 2024, parents of the petitioner gifted him a building, bearing Assessment No.2455 and Door No.11-137, Nethikottu Street, Kaikaluru Gram Panchayat and Mandal, Eluru District. As the said building is of 100 years old and it is in dilapidated condition, and it would be danger to the public as well as the nearby residents, the villagers made a representation on 21.07.2025 to the respondent authorities, seeking for its demolition. Pursuant to the proceeding issued by the respondent No.4, the respondent No.5 inspected the subject property and rejected the same on the ground that there is a civil litigation pending before the Court in respect of the subject property.

(b) That originally, the subject property belongs to one Kantheti Ramaiah, his wife Seshamma, later, due to Partition among the family members, the subject property fell to the share of said Kantheti Ramaiah and he was in separate possession and enjoyment till his demise, on 23.04.1978, and subsequent to his death, his wife *viz.* Seshamma, her four children became successors of the said property. The said Seshamma also died *intestate* on 05.12.1991, leaving her children. Thereafter, some family disputes arose between the legal heirs of Ramaiah, and a

Partition suit *vide* O.S.No.87 of 1992 on the file of the Senior Civil Judge, Machilipatnam was filed in respect of the subject property.

(c) Respondent No.6, tenant, filed O.S.No.4 of 1998 on the file of the Senior Civil Judge, Machilipatnam for the relief of Specific Performance of Agreement of Sale, against the legal heirs of the deceased Kantheti Ramaiah, by creating a fake and fabricated Sale Agreement. The trial Court conducted joint trial and passed Common Judgment in both suits on 31.07.2000 and decreed the suit in favour of the petitioner's vendors, by allotting 1/4th share to each legal heir, and the another suit in O.S.No.4 of 1998 filed by the respondent No.6, was dismissed.

(d) Against the Decree and Judgment dated 31.07.2000 passed by the trial Court, respondent No.6 filed Appeal Suit No.124 of 2000 on the file of the VI Additional District Judge, Krishna at Machilipatnam, and the same was dismissed by this Court on 25.01.2012, confirming the judgment passed by the trial Court. Aggrieved by the said Judgment, the respondent No.6 preferred Second Appeal No.1240 of 2012 before this Court, and on 14.07.2025, this Court dismissed the Second Appeal for non-prosecution. During the said litigation, the parents of petitioner

purchased the subject property in the year 2021, by way of Registered Sale Deed from the legal heirs of Kantheti Ramaiah.

(e) That from the date of purchase, the petitioner has been in peaceful possession and enjoyment of the subject property till today. Though the subject property is more than 100 years old, and it is in dilapidated condition, which may endanger the neighbours as well as the public, who are passing through that street, the respondent No.6 *i.e.* illegal tenant and his family members have been residing in the subject house, for which, the petitioner and the villagers made a representation to the respondent No.4 on 21.07.2025 seeking for its demolition. But the respondent No.5, pursuant to the proceedings in ROC No.40/2025, dated 28.07.2025 issued by 4th respondent, inspected the subject building along with the Mandal Engineering Officer, Mandal Praja Parishad, Kaikaluru, and submitted a report on 08.09.2025 *vide* Lr.No. /PRISD Mandavalli 2025 stating that a private person submitted a paper to him through which, he came to know that the subject property was under the litigation before the Court. Hence, the respondent No.5, without inquiring and without application of mind, refused to inspect the subject building. The subject building was now with hundreds of cracks and several pieces of slab

corners, inside and outside were broken, and the said pieces were continuously falling on the road, due to which some of the vendors also sustained injuries. Hence, the Writ Petition.

4. This Court *vide* Order dated 26.11.2025, directed the respondent No.5-the Deputy Executive Engineer, PRI Sub-Division, Mandavalli, Eluru District to assess the stability of the subject building and file report. Accordingly, the respondent No.5 inspected the subject building and submitted his Report on 09.12.2025.

5. On 29.12.2025, when the matter is taken up for hearing, it was brought to the notice of this Court that the subject building is in dilapidated condition and to that effect, Feasible Certificate was also issued to the Engineering and Panchayat Raj Department. This Court also observed to the extent that when the subject building is 100 years old and in dilapidated condition, invariably, the Gram Panchayat has to ensure that no untoward incident resulting in loss of life or limb would occur. Therefore, this Court directed the respondent No.4-the Kaikaluru Gram Panchayat, Kaikaluru, West Godavari District to take the subject building into custody and place barricade.

6. During the pendency of Writ proceedings, 6th respondent died, and *vide* Order dated 17.06.2026 in I.A.No.1 of

2026, one Buddha Srinivasa Rao, who is none other than the son of the deceased respondent No.6 was impleaded as respondent No.7 to the Writ proceedings.

7. It is the contention of learned counsel for respondent No.7 that his father filed I.A.No.1 of 2025 for restoration of Second Appeal No.1240 of 2012, which was dismissed for default on 14.07.2025 by this Court. The present Writ Petition was filed in order to drive away his family from the subject property, misusing the provisions of the Andhra Pradesh Panchayat Raj Act, 1994, stating that the subject building is in dilapidated condition. He further contends that under the guise of *interim* order directing the respondent No.4 to take custody of the subject building and to place barricade, the entry of respondent No.7 and his family members into the subject building has been restrained. The subject property is not in dilapidated condition. The respondent No.7, being the legatee under the Will dated 02.06.2023, became the absolute owner of the subject building after death of the testator, and he is the interested person over the subject property. Hence, it is prayed to dismiss the Writ Petition.

8. Perused the entire material available on record.

9. There is no dispute with regard to the civil litigation between the petitioner and the unofficial respondents, and in connection with that, the suit in O.S.No.87 of 1992 on the file of the learned Senior Civil Judge, Machilipatnam filed for Partition of subject property, and the suit in O.S.No.4 of 1998 filed by the respondent No.6 on the file of the learned Senior Civil Judge, Machilipatnam, for the relief of Specific Performance of Agreement of Sale, were disposed of, by a Common Judgment, dated 31.07.2000. Apparently, the suit in O.S.No.4 of 1998 filed by respondent No.6, was dismissed and it is also not in dispute that appeal preferred by respondent No.6 *vide* Appeal Suit No.124 of 2000 on the file of the learned VI Additional District Judge, Krishna at Machilipatnam, was dismissed on 25.01.2012, confirming the Judgment passed by the trial Court. Further, it is also not in dispute that the respondent No.6 preferred Second Appeal No.1240 of 2012 before this Court and the same was dismissed for default on 14.07.2025. Now, the only ground for filing the present Writ Petition is to demolish the subject building.

10. Rule 32 of the Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002, mandates that all unsafe buildings shall be considered to constitute danger to public

safety and hygiene and sanitation and shall be restored by repairs, demolition or dealt with as otherwise directed by the Collector/ Executive Authority.

11. A perusal of the material on record goes to show that the subject building bearing Assessment No.2455 and Door No.11-137, Nethikottu Street, Kaikaluru Gram Panchayat and Mandal, Eluru District is more than 100 years old and it is in dilapidated condition and it would endanger the life and limb of the persons residing nearby the said place. The material on record further goes to show that when the petitioner and the villagers made a representation to the respondent No.4 on 21.07.2025 seeking for its demolition, the respondent No.5, though inspected the subject building, could not comply the order of the respondent No.4 on the ground that the matter is *sub judice*.

12. The present Writ Petition was instituted in the year 2025. It is apparent on the face of the record that none of the respondents filed counter-affidavit. Though 7th respondent, who is none other than the son of 6th respondent was impleaded to the Writ Petition proceedings, except his oral contentions, he did not file counter-affidavit. As per Rule 12 (i) (a) of the Writ Proceedings Rules, 1977 of the High Court of Andhra Pradesh, every

respondent in every Writ Petition intending to enter appearance and oppose any Writ Petition on which notice is issued by the High Court, shall enter appearance and file a Counter Affidavit in opposition as soon as may be and in any event one hundred and twenty days from the date of service of notice in the Writ Petition or the Service of Rule nisi on the said Respondent. Despite adjourning the Writ Petitions from time to time for filing counter-affidavits by the respondents, the counter-affidavits have not been filed within the stipulated period of 120 days as per the Writ Proceedings Rules, 1977. Therefore, this Court is constrained to proceed with the Writ Petition basing on the material available on record.

13. Learned counsel for the respondent No.7 would contend that only to drive away this respondent and his family members, the present Writ Petition was filed, misusing the provisions of the Andhra Pradesh Panchayat Raj Act, 1994, though the subject building is not in dilapidated condition. He further contends that the respondent No.7 and his family members were restrained under the guise of *interim* order. The respondent No.7, being the legatee under the Will dated 02.06.2023, became the

absolute owner of the subject building after the death of the testator and he is the interested person over the subject property.

14. Learned counsel for the petitioner would contend that the building in question is such that neither its maintenance is possible nor is it possible to get it repaired inasmuch as any attempt at its renovation might result in collapse. Learned counsel would contend that in a case of this nature, a Division Bench of the Allahabad High Court in **Ashok Kumar Gupta v. State of U.P**¹ addressed the intersection of statutory municipal demolition or eviction actions and individual rights, emphasizing the primacy of established legal procedures under municipal law over forceful extra-judicial dispossession. The relevant paragraphs are extracted hereunder: (paragraph Nos.14 to 18)

“14. In the facts of the present case, materials on record clearly reveal urgent requirement of demolition of the tenanted premises, which is in dilapidated condition. The authorities of Nagar Nigam, Aligarh have proceeded to act in furtherance of the Statute but requisite action of demolition has so far not been undertaken only because of resistance by the tenants of the premises in question. Although 44 persons claim to be tenants of the premises in question but their status as tenants is otherwise disputed. We are, however, not inclined to dwell upon this aspect of the matter as the question with regard to the determination of tenancy of individuals would be gone into by the Rent Authority in accordance with the applicable Statute.

¹ Neutral Citation No.-2025:AHC:103497-DB.

15. At this juncture, we may only observe that the rights of the tenants in such an exigency will have to be dealt with under the Tenancy Act, 2021. The tenants, however, will not be entitled to object to the expeditious demolition of the tenanted building, particularly when the authorities have inspected the said premises and found the requirement of its demolition as imperative. The applicable scheme under the Act, 1959 for protection of life of individuals on account of building being dilapidated and posing threat to life of individuals will have to be given primacy over the protection of tenancy rights of individual applicants.

16. In such circumstances, we are of the view that the authorities of Nagar Nigam, Aligarh would be required to demolish the dilapidated tenanted premises in question, in accordance with law. Such action/exercise of the Nagar Nigam cannot be resisted by the tenants by making protests etc. The Nagar Nigam shall provide a reasonable opportunity to such occupants to remove their belongings.

17. We, in such circumstances, deem it appropriate to direct the District Magistrate, Aligarh as well as Senior Superintendent of Police, Aligarh to provide requisite police force on the request of Nagar Nigam, Aligarh so that the dilapidated structure in question be demolished. Such action would be undertaken strictly in accordance with law. We also provide that the demolition of the structure would in no way affect the rights of the tenants as are available to them under the Tenancy Act, 2021. The requisite action in terms of the notice/Act, 1959 would be undertaken at the earlier, preferably within two months from today.

18. We expect the tenants occupying the premises in question to be alive to the concern of protection of life of individuals due to imminent collapse of the building and not to create any resistance/ objection in demolition of the building.”

Learned counsel for the petitioner also placed reliance on the proposition of law laid down in **Mukteshwar Mahadev Mukteshwari Durga Dharmarth Seva Samiti and another v.**

State of U.P. and others², wherein the High Court of Judicature at Allahabad held as under: (paragraph Nos.14 to 18)

“14. It is equally well recognized that landlords are entitled to seek eviction where premises become unsafe for occupation. Conversely, tenants possess the right to demand maintenance of the property in habitable condition, and in case of neglect, may undertake necessary repairs and seek reimbursement in accordance with law.

15. However, none of these private rights can prevail over statutory duties of the Nagar Nigam to remove dangerous structures. That said, procedural fairness requires that occupants be afforded a reasonable opportunity to remove their personal belongings prior to demolition, unless emergent circumstances warrant immediate action.

16. It is held that the rights of the tenants in such an exigency will have to be dealt with under the Tenancy Act, 2021. The tenants, however, will not be entitled to object to the expeditious demolition of the tenanted building, particularly when the authorities have inspected the said premises and found the requirement of its demolition as imperative. The applicable scheme under the Act, 1959 for protection of life of individuals on account of building being dilapidated and posing threat to life of individuals will have to be given primacy over the protection of tenancy rights of individual applicants.

17. In view of the facts and circumstances, this Court is satisfied that the building in question is in a ruinous condition and deserves to be demolished without waiting for the dispute with the tenants to be resolved. Whatever rights they may be having under the provisions of Tenancy Act will always be available to them and the same cannot be held to be a ground to further delay the demolition of the building in question.

18. Accordingly, the respondent No.3 is directed to demolish the building in question within two weeks from today duly notifying the date and time of demolition. Respondent No.4 is directed to ensure that necessary police force is provided during the time of demolition to ensure safety, security as well as maintenance of law and order. The respondent

² Writ – C No.3256 of 2026 dated 20.02.2026.

authority may recover the costs so incurred in demolition of the building from the petitioner as per law.”

15. There cannot be any dispute that protection of life of individuals on account of building being dilapidated and posing threat to life of individuals will have to be given primacy over the protection of right of individuals. In the case on hand, respondent No.5, pursuant to the directions of this Court, inspected the subject building and submitted his Report on 09.12.2025, which is extracted hereunder:

“I have inspected the building related to Lr.No.WP 32050/2025/PR&RD/High Court of A.P., bearing Assessment No.2455, D.No.11-137 of Kaikaluru Village. On enquiry with the surrounding residents, it is ascertained that the building is a private property and is approximately 70 years old. It is a load-bearing structure, consisting of a ground floor with an RCC slab and a first floor partially covered with AC sheet roofing.

It is submitted that the basement level is at par with the adjoining road at one point and slightly higher at another. During visual inspection, cracks were observed in several walls, and indications of water logging were also noticed. The doors and windows on the first floor are damaged, and most of the doors and windows on the ground floor are also in a deteriorated condition. Hence, the structure is unfit for occupation. Further, as the building is located adjacent to and at the corner of high-traffic roads, the structure poses a potential safety hazard to the general public. Therefore, dismantling of the building is recommended in the interest of public safety.”

A perusal of the report submitted by 5th respondent goes to show that the subject building is a load bearing structure, and that cracks were observed in several walls and indications of water logging were also noticed. Respondent No.5 concludes that the structure is unfit for occupation and that as the said building is located adjacent to, and at the corner of, high-traffic roads, the structure poses a potential safety hazard to general public, and hence, he recommended for dismantling of the building in the interest of public safety.

16. Indisputably, civil litigation went on between the petitioner and respondent Nos.6 and 7. As per the contention of learned counsel for respondent No.7, I.A.No.1 of 2025 was filed seeking for restoration of Second Appeal No.1240 of 2012, which was dismissed for default by this Court on 14.07.2025. Therefore, the respondent No.7 can as well agitate his remedies in the Second Appeal, but not in the present Writ Petition. Whether the respondent No.7, being the legatee under the Will dated 02.06.2023, became the absolute owner of the subject building or not, is the disputed question of fact, which cannot be decided in a Writ Petition filed under Article 226 of the Constitution of India, as this Court generally cannot and will not resolve complex or

disputed questions of right, title, or ownership over a property, and such private disputes require a full civil trial with oral evidence and cross-examination. Therefore, demolition of the structure would in no way affect the right of the respondent No.7 over the subject building, which is subject to outcome of the civil litigation between the parties.

17. Therefore, having regard to the facts and circumstances of the case, and also having regard to the Report submitted by the respondent No.5 that the subject building poses a potential safety hazard to the general public, this Court is satisfied that the subject building in question is in a ruinous condition and deserves to be demolished in the interest of public safety. Accordingly, the respondent No.4 is directed to demolish the building, bearing Assessment No.2455 and Door No.11-137, Nethikottu Street, Kaikaluru Gram Panchayat and Mandal, Eluru District within a period of Three (03) weeks from the date of receipt of copy of this Order, duly notifying the date and time of demolition, after taking all necessary precautions therefore such as disconnecting power supply. Respondent Nos.2 and 3 are directed to provide requisite police force at the time of demolition of the structure to ensure safety, security as well as maintenance of law

and order. The respondent No.4 may recover the costs so incurred for demolition of the subject building from the petitioner as per law. It is needless to mention here that the belongings, if any, lying in the subject building, of the occupants of the said building be shifted to a safer place by the occupants within a period of Two (02) weeks from the date of receipt of copy of this order, failing which, the authorities concerned are at liberty to do so at the expenses of the petitioner.

18. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs of the Writ Petition.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition, shall stand closed.

JUSTICE K. SREENIVASA REDDY

13th August, 2026.

DNB

Whether the Order is:

Speaking		Reasoned	✓
Reportable	✓	Non-reportable	

Note:

LR Copy to be marked.

B/o.
DNB