

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

WRIT PETITION Nos: 5188, 5333 & 5338 of 2026

W.P.No.5188 of 2026:

Between:

1.KOLLIPALLI SUSMITH KUMAR,S/O. SREENIVASA RAO, AGED ABOUT 29 YEARS, R/O. D.NO. 37-1-302, TRUNK ROAD ONGOLE, PRAKASAM DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT -522237

2.THE ONGOLE MUNICIPAL CORPORATION, REPRESENTED BY ITS COMMISSIONER, ONGOLE, PRAKASAM DISTRICT-523001.

...RESPONDENT(S):

DATE OF JUDGMENT PRONOUNCED: **24.02.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

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

GANNAMANENI RAMAKRISHNA PRASAD, J

*** THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD**

+ WRIT PETITION Nos: 5188, 5333 & 5338 of 2026

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1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT -522237

2.THE ONGOLE MUNICIPAL CORPORATION, REPRESENTED BY ITS COMMISSIONER, ONGOLE, PRAKASAM DISTRICT-523001.

...RESPONDENT(S):

! Counsel for Petitioners : Sri Shaik Asif, learned Counsel for the Writ Petitioners.

^ Counsel for Respondents : Sri M. Srinu Babu, learned Assistant Government Pleader for Municipal Administration & Urban Development, Sri S. Vijay Kumar, learned Counsel representing Sri A.S.C. Bose, learned Standing Counsel for Ongole Municipal Corporation.

< Gist:

> Head Note:

? Cases referred:



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

[3328]

TUESDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION Nos: 5188, 5333 & 5338 of 2026

W.P.No.5188 of 2026:

Between:

1. KOLLIPALLI SUSMITH KUMAR,, S/O. SREENIVASA RAO, AGED ABOUT
29 YEARS, R/O. D.NO. 37-1-302, TRUNK ROAD ONGOLE, PRAKASAM
DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN
DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI,
AMARAVATI. GUNTUR DISTRICT -522237

2. THE ONGOLE MUNICIPAL CORPORATION, REPRESENTED BY ITS
COMMISSIONER, ONGOLE, PRAKASAM DISTRICT-523001.

...RESPONDENT(S):

Counsel for the Petitioner:

1. SHAIK ASIF

Counsel for the Respondent(S):

1. GP MUNICIPAL ADMN AND URBAN DEV AP

W.P.No.5333 of 2026:

Between:

- 1.GRANDHI ESWARAMMA,, W/O. LATEHARINADHA, AGED ABOUT 71 YEARS, R/O D.NO. 45-1-37, K.P. ROAD OPP. POST OFFICE, ONGOLE. ANDHRA PRADESH.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATI.-522237
- 2.THE ONGOLE MUNICIPAL CORPORATION, REPRESENTED BY ITS COMMISSIONER, ONGOLE, PRAKASAM DISTRICT.-523001

...RESPONDENT(S):

Counsel for the Petitioner:

- 1.SHAIK ASIF

Counsel for the Respondent(S):

- 1.GP MUNICIPAL ADMN AND URBAN DEV AP

W.P.No.5338 of 2026:

Between:

- 1.NALLURI PADMAVATHI, W/O N. RAMAMURTHY, AGED ABOUT 66 YEARS, R/O 3-9-15, KANYAKA PARAMESWARI STREET, PATHAVURU, KAVALI, SPSR NELLORE DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI.-522237
- 2.THE ONGOLE MUNICIPAL CORPORATION, REPRESENTED BY ITS COMMISSIONER, ONGOLE, PRAKASAM DISTRICT.- 523001.

...RESPONDENT(S):

Counsel for the Petitioner:

1. SHAIK ASIF

Counsel for the Respondent(S):

1. GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORAL COMMON ORDER:

Heard Sri Shaik Asif, learned Counsel for the Writ Petitioners, Sri M. Srinu Babu, learned Assistant Government Pleader for Municipal Administration and Urban Development and Sri S. Vijay Kumar, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Ongole Municipal Corporation.

2. The prayer in these Writ Petitions is identical. Therefore, the prayer in W.P.No.5188 of 2026 is extracted hereunder:

“Under these circumstances, it is just and necessary in the interest of justice, that this Hon’ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in nature of Writ of Mandamus Declaring the action of the Respondents in attempting to demolish/acquire the Petitioners' property bearing Door No.37-1-302, situated at Trunk Road, Ongole, pursuant to the Notice Roc.No.3535/2025/G1 dated 29-11-2025, without following the procedure established under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, despite the Petitioners' specific rejection of TDR Bonds vide reply dated 06-01-2026, as illegal, arbitrary, and violative of Articles 14, 21 and 300-A of the Constitution of India and contrary to the orders in W.P. No.21175 of 2025 and Consequently direct the Respondents not to interfere with the Petitioner's peaceful possession and enjoyment of the subject property or demolish the same until the land is lawfully acquired by paying compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, considering the Petitioner's rejection of TDR Bonds vide reply dated 06-01-

2026 and pass such other order or orders in the proper circumstances of the case in the interest of justice.”

3. It is the case of the Writ Petitioners herein that their land is sought to be taken by the Respondent Authorities for the purpose of road widening and that despite the fact that the Writ Petitioners have expressly refused to accept the TDR bonds, the Respondent Authorities are compelling the Petitioners to accept the TDR bonds with a view to avoid acquisition by invoking the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013).

4. It is a settled law that the Respondent Authorities cannot thrust TDR bonds on the claimants/affected parties. TDR bonds are only optional against seeking of compensation under Act No.30 of 2013. TDR bonds are not mandatory but they can be voluntarily accepted by the claimants/affected parties. It is also a settled law that in cases where the claimants or the affected parties who decline to accept TDR bonds, the only option that is available to the Government Authorities is to initiate the Proceedings under Act No.30 of 2013. Sections 145, 146 and 147 of the Andhra Pradesh Municipal Corporation Act, 1955 are usefully extracted hereunder:

“145. Power of Corporation as to acquisition of property:-

(1) The Corporation shall, for the purposes of this Act have power to acquire and hold movable and immovable property or any interest therein whether within or without the limits of the City.

[(2) Any immovable property which may be transferred to the Corporation by the Government shall be held by it, subject to such conditions as may be imposed by the Government and shall be applied to such purposes as the Government may impose or specify when the transfer is made.

(3) It shall be competent for the Government to resume any land transferred to the Corporation by the Government with or without a condition for resumption whether before or after the commencement of the Andhra Pradesh Municipal Laws (Amendment) Act, 1991 for utilisation by the State Government or the Central Government or any authority under their control.]

146. Acquisition of immovable property by agreement:-

(1) Whenever it is provided by this Act that the Commissioner may

acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commissioner on behalf of the Corporation by agreement on such terms at such rates or prices not exceeding such maxima as shall be approved by the Standing Committee, either generally for any class of cases or specially in a particular case.

(2) And whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at rates or prices not exceeding such maxima as shall be approved by the Standing Committee as aforesaid.

(3) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of Corporation to agree with the owner of any land or of any interest in land needed by the Corporation for the purposes any Scheme under Chapter XIII or with the owner of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith.

(4) No contract for the acquisition of any immovable property or of any interest therein or any right thereto or the payment of any compensation under sub-sections (1), (2) or (3) shall be valid, if the price or compensation to be paid for such property or interest or right exceeds rupees five thousand unless and until such contract has been approved by the Corporation.

5) Every contract or other instrument relating to the acquisition of immovable property or any interest therein or any right thereto shall be executed by the Commissioner, shall have the common seal of the Corporation affixed thereto in the presence of [two officers nominated by the Commissioner] and shall also have the signature of the said [two officers].

(6) No contract for the acquisition of immovable property or any interest therein or any right thereto not executed as provided in sub-section (4) shall be binding on the Corporation.

(7) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immovable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.

147. Procedure when immovable property cannot be acquired by agreement:- (1) Whenever the Commissioner is unable to acquire any immovable property under the last preceding section by agreement, the Government may, in their discretion, upon the application of the Commissioner, made with the approval of the

Standing Committee and subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation [in accordance with the provisions of the Land Acquisition Act, 1894 as amended from time to time as if such property were land needed for a public purpose within the meaning of the provisions of the said Act.]

(2) The amount of compensation awarded and all other charges incurred in acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the Corporation.”

5. The provisions of law, extracted above, are clear to the effect that the affected parties are entitled for compensation under Act No.30 of 2013. Since the Writ Petitioners have already approached this Court opposing the acceptance of TDR bonds, it is needless to state that the Writ Petitioners are seeking lawful compensation under Act No.30 of 2013.

6. In the above premise, this Court deems it appropriate to allow these Writ Petitions, at the admission stage, without going into the merit, directing the Official Respondents to follow the due process of law namely to invoke the provisions of Act No.30 of 2013 for acquiring the property by determining the market price.

7. With these observations and directions, these Writ Petitions stand allowed. No order as to costs.

8. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt:24.02.2026

Vns

Note: L.R. Copy to be marked.

