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

[3206]

TUESDAY, THE 23rd DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION NO: 13543/2022

Between:

- 1.P.KARNA, S/O ANNAMALAI, AGED 38 YEARS, R/O D.NO.17/272, AMARAVATHI NAGAR, ADONI, KURNOOL DISTRICT.
- 2.CHAKALI NARASIMHULU,, S/O SIDDANNA, AGED 45 YEARS, R/O D.NO.10/216, MARATI GERI, ADONI, KURNOOL DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE SECRETARY, PANCHAYAT RAJ DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATHI, , GUNTUR DISTRICT
- 2.THE DISTRICT COLLECTOR, KURNOOL DISTRICT, KURNOOL.
- 3.THE DISTRICT PANCHAYAT OFFICER, KURNOOL DISTRICT, KURNOOL.
- 4.THE TAHSILDAR, MANTRALAYAM MANDAL, KURNOOL DISTRICT.
- 5.MAANCHALA VILLAGE, MANTRALAYAM MANDAL, REP. BY ITS PANCHAYAT SECRETARY. KURNOOL DISTRICT
- 6.REV VEDANAYAKAM, S/O NOT KNOWN TO THE PETITIONER, C/O CSI CHURCH, RAMACHANDRANAGAR, MANTRALAYAM, KURNOOL DISTRICT.

...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 a writ or order or direction with more particularly in the nature of WRIT OF MANDAMUS declaring the action of the Respondent Authorities in permitting/not stopping the construction of public place or worship, CSI Church by the 6th Respondent in Survey No.137/2, Maanchala village, Mantralayam Mandal, Kurnool District is illegal, unconstitutional and consequently direct the Respondent Authorities to remove the structures which are coming up in the name of Church of South India church in Survey No.137/2, Maanchala village, Mantralayam Mandal, Kurnool District while making clear that such construction could not have come up within the Mantralayam vicinity where holy Brundavanam of RaghavendraSwamy is situated and direct the authorities to remove the occupation of open government in Sy no 137/2, Maanchala village, Mantralayam Mandal, Kurnool dist and pass

IA NO: 1 OF 2022

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 Respondent Authorities to stop further constructions in Survey No.137/2, Maanchala village, Mantralayam Mandal, Kurnool District and pass

IA NO: 2 OF 2022

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 vacate interim orders dt.05.05.2022 in WP.No.13543/2022 and pass

IA NO: 3 OF 2022

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 vacate the interim order dated 05.05.2022 in W.P.No.13543 of 2022 and also dismiss the writ petition and pass

IA NO: 1 OF 2023

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 grant leave to the petitioner/5th respondent to file counter in W.P.13543/2022 in the interest of justice and pass

IA NO: 2 OF 2023

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 permit receive counter copies on record by allowing the leave petition in the above writ petition and pass

Counsel for the Petitioner(S):

- 1.PONNADA SREE VYAS

Counsel for the Respondent(S):

- 1.VENKATA REDDY GAJJALA SC FOR ZPP, MPP, AND GRAM PANCHAYAT
- 2.GP FOR REVENUE
- 3.GP FOR PANCHAYAT RAJ RURAL DEV
- 4.K B RAMANNA DORA

The Court made the following Order:

Heard Sri K. S. Murthy, learned Senior Counsel appearing for Sri Ponnada Sree Vyas, learned counsel for the petitioners and Sri K. Ramanna Dora, learned counsel appearing for respondent No.6.

2. The petitioners herein have approached this Court, being aggrieved by the construction of a place of worship by respondent No.6 in Maanchala Village, Mantralayam Mandal, Kurnool District. The primary contention of the petitioners is that the construction of the place of worship is illegal, inasmuch as necessary permissions from the District Collector, for construction of place of worship had not been obtained and that the said construction was being done without any permission being obtained by the local body and in an area which has been set aside as open space in a layout made in the course of construction of house plots to weaker sections of society.

3. The official respondents as well as respondent No.6 have filed their counter affidavits.

4. The sum and substance of the submissions in these counter affidavits show that there was a pre-existing place of worship, which had fallen into disrepair and had dilapidated due to which a fresh construction was being taken up. Respondent No.6 would contend that this place of worship had been in existence since 1982. The official respondents, however, did not fix any

date of existence, but reported that there was some place of worship available in the site.

5. Respondent No.6 would also contend that he had sought building permission from the Gram Panchayat and also approval from the Collector in terms of the proviso to Rule 26 (2) of the Andhra Pradesh Gram Panchayat Land Development (Layout & Building) Rules, 2002. He would also contend that the construction of the building had been stopped in view of the interim orders issued by this Court on 05.05.2022.

6. A perusal of the pleadings as well as the material placed before this Court would reveal two facts – Firstly, no building permission has been given by the local bodies nor has the necessary approval, under the provisions of Rule 26 (2) of the said Rules, has been obtained. Further, respondent No.6 claims title over the property, by way of possession and not on account of any document of alienation, given in favour of respondent No.6 or **Church of South India**, which is said to be supervising this place of worship.

7. The provision under the Rules is as follows:

“No site shall be used for the construction of a building intended for public worship or religious purposes without the prior approval of the Collector of the District who may refuse such approval if, in his opinion, the use of the site for the proposed construction of the

building is likely to endanger public peace and order, after giving an opportunity to the applicant to show cause against such refusal.”

8. This provision requires prior permission to be obtained from the District Collector before any construction can be taken up. Such prior permission has not been obtained before construction had been taken up in the disputed site.

9. The local body, within which the disputed site falls is Manchala Gram Panchayat. Section 121 of the Panchayat Raj Act, 1994 stipulates that no building can be constructed or re-constructed and no addition or alteration shall be made to an existing building without the permission of the Gram Panchayat granted in accordance with the provisions of any Rules or bye-laws made under this Act. This permission is also not available in the present case. The Rules governing grant of such building permission are contained in the A.P. Gram Panchayat Land Development (Layout & Building) Rules, 2002. Rule 14 requires an application to be made for grant of permission to construct a building. Rule 16 stipulates that no site or parcel of land shall be used for building activity unless it is approved as building plot or forms part of an approved layout. In the present case, the official respondents have taken the stand that the site in question was actually an open space in an approved layout and not a space which is set apart for construction of buildings.

10. The scheme of the Act and the Rules is that such building permissions can be sought by demonstrating a prima facie title over the said property and by submission of necessary documents.

11. Sri K. Ramanna Dora, learned counsel appearing for respondent No.6, on the other hand, would contend that the Rules and more specifically, Rule 26 provides for a deeming provision, whereby, building activities can be taken up once the local body does not respond to the application.

12. The said contention of the learned counsel merits consideration. However, no document has been placed before this Court to show that building application has been made prior to the commencement of construction of the said place of worship. The scheme of the Act is quite clear and requires such applications to be made before construction is initiated. In the absence of such prior application, it would not be appropriate for this Court to regularize any construction made without such applications being made.

13. For the aforesaid reasons, this Writ Petition is disposed of, directing the official respondents not to permit any construction in the said land until and unless approval has been obtained from the District Collector, under Rule 26 and after the respondent No.6 is able to demonstrate title over the property. Needless to say, such construction can only be commenced and continued after building permission is given by the local body, subject to the above requirements.

14. On the question of whether there was any construction in the year 1999, and who was in possession till 1999, are issues of fact which this Court does not incline to go into and it is left open.

15. As the writ petitioners have raised these issues, it would also be appropriate if they were given notices before any permissions are granted, so that necessary material can be placed before the Authority for passing an appropriate order.

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

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

R. RAGHUNANDAN RAO, J

Date:23.06.2026

MJA

Whether the order is :

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No

175

THE HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

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MJA