APHC010585032026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

THURSDAY, THE 12th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 32175/2026

Between:

1. CA BUILDERS, REP BY ITS MANAGING PARTNER, ABBINENI RAJ KIRAN, S/O. A. VIJAY KUMAR, AGED ABOUT 45 YEARS, OCC BUSINESS HAVING ITS OFFICE AT D.NO.20-1, MAHENDRA NAGAR, GOLLAPUDI, NTR DISTRICT, ANDHRA PRADESH-521225

...PETITIONER

AND

1. UNION OF INDIA, REP BY ITS SECTARY MINISTRY OF HOUSING URBAN AFFAIRS NEW DELHI-110001
2. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522237
3. THE ANDHRA PRADESH REAL ESTATE REGULATORY AUTHORITY, REPRESENTED BY ITS CHAIRPERSON, RAYAPUDI, AMARAVATI, ANDHRA PRADESH-520010
4. ANDHRA PRADESH CAPITAL REGION DEVELOPMENT AUTHORITY, REP BY ITS COMMISSIONER, RAYAPUDI, AMARAVTI ANDHRA PRADESH-522237
5. THE ANDHRA PRADESH STATE GOVERNMENT EMPLOYEES MUTUALLY AIDED COOPERATIVE HOUSE BUILDING SOCIETY LIM, REPRESENTED BY ITS PRESIDENT, D.NO 54-16-3/3, PLOT NO 48,

ROAD NO 3, LOYOLA GARDENS COLONY, OPP LOYOLA DEGREE COLLEGE, VIJAYAWADA, NTR DISTRICT-520008

...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 Certiorari, calling for the records relating to Regulatory Proceedings No.MAU70-RERA/31/2026-ADMN dated 17-07-2026 and the consequential order dated 03-09-2026 issued by the 3rd Respondent and quash the same, insofar as they affect the Petitioner, as illegal, arbitrary and in violation of the principles of natural justice direct the 3rd Respondent to decide the Petitioners request for impleadment, hear the Petitioner and consider its representation dated 13.05.2026 and its proposal to complete the remaining development works declare that the 4th Respondent is not restrained by the order dated 03-09-2026 from considering, in accordance with law and the applicable conditions, the release of the 23 mortgaged plots described in Schedule-B of the MOU dated 07.05.2026, and pass s

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 dispense with filing of Certified Copy of the Regulatory Proceedings No.MAU70- RERA/31/2026-ADMN dated 17-07-2026 issued by the 3rdRespondent,

IA NO: 2 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 pleased to stay the operation of the Consequential order dated 03-09-2026 and of the Regulatory Proceedings No.MAU70-RERA/31/2026-ADMN dated 17-07-2026 issued by the 3rd Respondent, insofar as they restrain the 4th Respondent from considering release of the 23 mortgaged plots described in Schedule-B of the MOU dated 07.05.2026, pending disposal of the above Writ Petition, and to pass

IA NO: 3 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 pleased to permit the petitioners herein to be impleaded as Parties /Proposed Respondents No. 6 to 13 as Respondents 6 to 14 in W.P.No.32175 of 2026 and also in pending Interlocutory Applications therein, in the interest of justice and pass

Counsel for the Petitioner:

1. KANCHAM GURU RAJA

Counsel for the Respondent(S):

1. GANTA PRASAD
2.
3. S PRANATHI
4. GP MUNCIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORDER:

This Writ Petition came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

> "…to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Certiorari, calling for the records relating to Regulatory Proceedings No.MAU70-RERA/31/2026-ADMN dated 17-07-2026 and the consequential order dated 03-09-2026 issued by the 3rd Respondent and quash the same, insofar as they affect the Petitioner, as illegal, arbitrary and in violation of the principles of natural justice direct the 3rd Respondent to decide the Petitioners request for impleadment, hear the Petitioner and consider its representation dated 13.05.2026 and its proposal to complete the remaining development works declare that the 4th Respondent is not restrained by the order dated 03-09-2026 from considering, in accordance with law and the applicable conditions, the release of the 23 mortgaged plots described in Schedule-B of the MOU dated 07.05.2026, and pass…"

2. The 5th respondent – The Andhra Pradesh State Government Employees Mutually Aided Cooperative House Building Society Limited, undertook development of a residential layout named as 'Sri Hari Puram' over an extent of Acs.84.2925 cents, comprising 828 plots, situated at Navepothavaram village, Ibrahimpatnam mandal, NTR district, pursuant to the layout approval dated 20.07.2020 granted by the 4th respondent. The 5th respondent society engaged M/s Kalidindi Real Konsult LLP for

execution of the said development works, which, in turn engaged the petitioner as sub-contractor vide agreement dated 10.08.2020; the 5th respondent society recognized the petitioner as sub-contractor on 23.11.2020.

3. Subsequently, the 5th respondent society entered into a fresh contract agreement on 04.10.2024 directly with the petitioner for completing the remaining development works for a total consideration of Rs.9,00,00,000/-; pursuant to the said agreement, the petitioner executed substantial infrastructure works, but, the 5th respondent society failed to release payments amounting to Rs.2,15,00,000/- despite repeated requests. Due to non-payment of the said amount and interference with the possession, the petitioner filed O.S.No.1242 of 2025 before the competent Civil Court at Vijayawada against the 5th respondent society; the Court below, on 18.08.2025, in I.A.No.578 of 2025 in O.S.No.1242 of 2025 passed ad-interim injunction orders, in favour of the petitioner restraining the 5th respondent and its members from entering into the suit schedule property and interfering with the petitioner's possession and enjoyment of the subject property till 02.09.2025. The petitioner has also filed C.O.S.No.04 of 2026 on the file of Special Court for Trial and disposal of Commercial Disputes, Vijayawada against the 5th respondent for recovery of Rs.9,12,60,000/-.

4. Pending the said case, several members of the 5th respondent society approached the 3rd respondent aggrieved by the non-completion of development works; pursuant to such complaints, the 3rd respondent, vide common order dated 13.03.2026 in C.P.No.138 of 2025 and batch passed the following order:

> "…d) The Respondent Society is hereby directed to complete all pending development works in the subject project, including formation of roads, drainage systems, water supply infrastructure, electricity infrastructure, and all other promised amenities and facilities, strictly in accordance with the approved layout plan and conditions of registration, within a period of three months (03) from the date of receipt of this Order.
>
> e) The Respondent Society shall ensure that the Complainants and other plot holders are provided with effective and beneficial enjoyment of their respective plots together with the promised infrastructure and amenities.
>
> f) The issue concerning alleged violations of the provisions of the Real Estate (Regulation and Development) Act, 2016 and invocation of Section 8 of the Act is already the subject matter of separate suo motu proceedings initiated by this Authority against the Respondent project and appropriate action shall be taken therein in accordance with law.…

5. Pending the said proceedings, the petitioner and the 5th respondent entered into a Memorandum of Understanding dated 07.05.2026 towards settlement of the outstanding contractual dues as

per which, the 5th respondent agreed to register 23 specifically identified residential plots admeasuring 6,137.29 square yards in favour of the petitioner towards settlement of the contractual consideration of Rs.9,00,00,000/-; the said plots form part of the plots mortgaged in favour of the 4th respondent under registered mortgage deed dated 22.06.2020.

6. While the matter stood thus, the 3rd respondent initiated suomotu proceedings under Section 8 read with Section 35 of Real Estate (Regulation and Development) Act, 2016 (for short 'RERA Act, 2016') by issuing a show cause notice dated 07.05.2026 to the 5th respondent society; after being ascertained the same, the petitioner herein submitted detailed objections dated 13.05.2026. Pending consideration of the same, on 23.06.2026, the Special Court for Trial and Disposal of Commercial Disputes, Vijayawada, decreed C.O.S.No.04 of 2026 in part in favour of the petitioner and against the 5th respondent society for a sum of Rs.8,48,94,658/- together with subsequent interest @9% per annum on the principal sum of Rs.8,10,00,000/- from the date of suit till the date of complete realization.

7. Thereafter, the 3rd respondent, without considering the objections raised by the petitioner on 13.05.2026, vide impugned proceedings dated 17.07.2026, invoked Section 8 of the RERA Act, 2016 and proposed alternative arrangements for completion of the remaining

development works and directed the 5th respondent society not to create third party rights or alienate unsold plots without its permission. Thereafter, the 3rd respondent, by exercising its powers under Section 36 of the RERA Act, 2016, vide proceedings dated 03.09.2026 directed the 4th respondent not to release, hand over, de-mortgage or otherwise permit the release of the plots presently under mortgage in respect of the 5th respondent pending further orders; and the competent authority was directed to maintain the existing status of the mortgaged plots until specific further directions are issued. As the said proceedings passed by respondent No.3 adversely affect the settlement arrived between the petitioner and the 5th respondent society under Memorandum of Understanding dated 07.05.2026 and as the petitioner was not afforded an opportunity of hearing, the present writ petition is filed.

8. Heard Sri. K.S. Murthy, learned Senior Counsel representing Sri. Kancham Guru Raja, learned counsel for the petitioner, Mrs. S. Pranathi, learned Standing Counsel for the 4th respondent and learned Government Pleader for Municipal Administration and Urban Development.

9. Perused the entire material available on record. The facts of the writ petition are not in dispute. During the course of hearing, learned Standing Counsel for the 4th respondent furnished a copy of the letter

addressed by the Commissioner, APCRDA to the 5th respondent bearing RC.No.MAU61-DP0VIJ (LAD)/3/2019-DP, dated 16.10.2026 wherein it is stated that pursuant to the orders dated 03.09.2026, the request of the 5th respondent society for issuance of final layout approval/LDCC and release/de-mortgage of the 106 mortgaged plots cannot be considered and shall be kept pending until further orders/directions from the 3rd respondent. Learned Standing Counsel further contended that the proceedings dated 17.07.2026 and 03.09.2026 passed by the 3rd respondent are for the 5th respondent society and the petitioner, being sub-contractor to the 5th respondent, is no way entitled for any relief as claimed in the present writ petition. If at all the petitioner is aggrieved by the orders passed by the 3rd respondent, he has to approach the Real Estate Appellate Tribunal under sub-section (5) Section 43 of the RERA Act, 2016.

10. On the other hand, though learned Senior Counsel has argued on several aspects contending that the petitioner was not issued any notice nor an opportunity of being heard by the 3rd respondent before passing the impugned orders, he requested this Court to grant the petitioner ten days time to approach the Real Estate Appellate Tribunal as per Section 43 of the RERA Act, 2016 and to protect the interest of the petitioner till such appeal is preferred.

11. Section 43 sub-section (5) of the RERA Act, 2016 is extracted hereunder:

> "(5) Any person aggrieved by any direction or decision or order made by the Authority or by an adjudicating officer under this Act may prefer an appeal before the Appellate Tribunal having jurisdiction over the matter:
> Provided that where a promoter files an appeal with the Appellate Tribunal, it shall not be entertained, without the promoter first having deposited with the Appellate Tribunal atleast thirty per cent. of the penalty, or such higher percentage as may be determined by the Appellate Tribunal, or the total amount to be paid to the allottee including interest and compensation imposed on him, if any, or with both, as the case may be, before the said appeal is heard."

12. As rightly contended by learned Standing Counsel, the petitioner is only a sub-contractor to the 5th respondent and does not confer any right to approach this Court challenging the orders passed by the 3rd respondent; instead, the petitioner could approach the Real Estate Appellate Tribunal under Section 43(5) of the RERA Act, 2016.

13. In view of the foregoing discussion and considering the request made by learned Senior Counsel for the petitioner, this writ petition is disposed of with liberty to the petitioner to approach the Real Estate Appellate Tribunal under Section 43(5) of the RERA Act, 2016 within a period of ten (10) days from today. Till such time, the

respondents are directed to maintain *status quo* with regard to the proceedings pertaining to the subject property. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Petition shall stand closed.

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JUSTICE V.SUJATHA

Date: 12.11.2026
Gss

Note: Issue CC by 13.11.2026
B/o