

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

WRIT PETITION No.13064 OF 2026

Between:-

Kapuganti China Swamy Setty and two others ... Petitioners

AND

The state of Andhra Pradesh, Rep by its
Principal Secretary, Municipal Administration
and Urban Development & 2 others. ... Respondents

DATE OF ORDER PRONOUNCED: 06.05.2026

HON'BLE Mr. JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

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

GANNAMANENI RAMAKRISHNA PRASAD,J

***HON'BLE Mr. JUSTICE GANNAMANENI RAMAKRISHNA PRASAD**

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and Urban Development & 2 others. ... Respondents

! Counsel for the petitioner : K. Sakthi Niranjana Gupta

^Counsel for respondents : Sri S. Vijay Kumar, Ld. Counsel
representing Sri A.S.C. Bose, Ld. Standing
Counsel for Guntur Municipal Corporation.

Sri Mortha Srinu Babu learned Assistant
Government Pleader for Municipal
Administration and Urban Development.

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➤ Head Note:

? Cases Referred:

1. 2025 SCC OnLine SC 81

APHC010249702026



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

[3328]

**WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 13064 OF 2026

Between:

- 1.KAPUGANTI CHINNA SWAMY SETTY,, S/O LATE SIR K. CHIRANJEEVI RAO, AGED ABOUT 48 YEARS, R/O FLAT NO. 710, BLOCK NO.2, SMR VINAY FOUNTAIN HEAD, HYDERNAGAR, MIYAPUR, K.V. RANGA REDDY DISTRICT, TELANGANA - 500049.
- 2.KAPUGANTI KRISHNA KUMARI,, W/O LATE SIR K. CHIRANJEEVI RAO, AGED ABOUT 77 YEARS, R/O FLAT NO. 102, SITA RAMA ENCLAVE, MADHAVI SOCIETY, JAYA NAGAR, OPP. KPHB, KI1IKATPALLY. HYDERABAD, TELANGANA - 500072.
- 3.KAPUGANTI SREENIVAS,, S/O LATE SIR K. CHIRANJEEVI RAO, AGED ABOUT 55 YEARS, R/O D.NO B1 - 202, JASMINIUM, MAGARPATTA CITY, HADAPSAR, PUNE, MAHARASHTRA - 411028

...PETITIONER(S)

AND

- 1.STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, SECRETARIAT, VELAGAPUDI, THULLURU MANDAL, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH - 522238.
- 2.THE GREATER VISAKHAPATNAM MUNICIPAL CORPORATION, REPRESENTED BY ITS COMMISSIONER,ASILIMETTA JUNCTION, RAM NAGAR, VISAKHAPATNAM - 530002.

3.THE ZONAL COMMISSIONER, GVMC ZONAL OFFICE -3,
MADDILIPALEM, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT,
ANDHRA PRADESH - 530026.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.KRISTAM SAKTHI NIRANJAN GUPTHA

Counsel for the Respondent(S):

1.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following ORAL ORDER:

Heard Sri K. Sakthi Niranjan Guptha, learned Counsel for the Writ Petitioners, Sri S. Vijaya Kumar, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Municipal Corporations and Sri Mortha Srinu Babu learned Assistant Government Pleader for Municipal Administration and Urban Development.

2. The present Writ Petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue appropriate Writ, Order or direction, more particularly one in the nature of Writ of MANDAMUS or any other writ by declaring the action of the respondents 2 and 3 in proceeding with the construction of public toilets in front of the petitioners’ house bearing D. NO 9-41-31/2, Pitapuram Colony, Revenue Ward 16, Visakhapatnam without considering the representation 25.04.2026 is illegal, arbitrary besides being violative of principles of natural justice and Article 14, 21 of Constitution of India and contrary to the provisions of Andhra Pradesh Municipal Corporation Act, 1955 and consequently direct the respondent authorities more particularly 2 and 3 to not to construct public toilets in front of the petitioners’ house and pass such other or orders as this Hon’ble Court deems fit and proper in the interest of justice.”

3. It is the case of the Writ Petitioner that the Site in which the Petitioner has a residential house is a corner plot. While the gate of the Petitioner’s house opens into the by-lane, on the main road side there is an open site of land belonging to the GVMC (Respondent No.2), adjoining the compound wall of the Petitioner’s house. The Respondent Corporation has proposed construction of Public Toilets in the said Site. The Writ Petitioner has raised objections to the construction of Public Toilets on the ground of apprehended loss of hygiene and utility.

4. Sri S. Vijaya Kumar, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Municipal Corporations has submitted the Written Instructions furnished by the Zonal Commissioner, GVMC.

5. The relevant portion of the Written Instructions is usefully extracted hereunder:

"In reply to the above relief and contents of the affidavit filed by the petitioners, it is submitted that being the local body which is empowered to provide civic amenities to the entire Visakhapatnam City and for improving sanitation infrastructure across the city, the GVMC entered an agreement with LOTUS INTERNATIONAL, awarding work of construction and maintenance of 12 public toilets under PPP mode. In pursuance of the said agreement, they have already constructed and are maintaining 10 public toilets in the locations Railway Station, RTC Complex, Jail Road, Jagadamba Junction, Collector Office, RK Beach, YMCA, Kancharapalem, NAD Junction and Gajuwaka (Zinc Gate) all are main centers.

For the remaining 2 places at Maddilapalem and Pendurthi, they have addressed a letter dated 10-07-2025 for providing suitable place and give permission for construction. After conducting survey this office has issued permission to them vide its letter in Rc.No.234/2026/ FI/PH Sec/East zone, GVMC dated 31-03-2026, after careful examination of the proposal in the subject matter property and report submitted by the concerned officials, an extent of 76.66 sq.yds (60 ft x 11.6 ft) in S.No.64 part of Maddilapalem Revenue Village, Visakhapatnam was allotted to Lotus International, A social Service Organization for the purpose of construction of Public Toilets at Maddilapalem north side of the existing bus stop nearby Union Bank (Opp. Maddilapalem RTC Bus stand), Visakhapatnam. In that area public toilets are very much necessary since it is very busy place, it is situated opposite to the Maddilapalem Bus Depot and Maddilapalem Bus depot and the said place is belongs to GVMC and it is not causing obstruction to anybody.

It is submitted that the petitioners' contest that the proposed construction of Public toilets is situated in front of their house, in fact it is false statement. There is a 8 feet Gedda is situated in between the petitioners' house and the

proposed construction of public toilets and moreover the petitioners' are having access to their property on its north side and they have no access to NH 5 Road as there is Gedda in front of their house. Hence the contention of the petitioners is not true and correct and they are not entitled for any relief as prayed for.

Public toilets are providing/constructing in order to provide sanitation facilities for the public and it is making in the public place as such the petitioners have no right to question the same or obstruct the same."

6. The above extract would indicate that the open site where there is a proposal for construction of toilets is adjacent to the local bus stop and opposite to the APSRTC Bus Station/Depot, therefore, the construction of toilets for the purpose of public convenience is very much necessary. The extract would also indicate that the Plot of the Writ Petitioner is not a corner piece of land and that there is a piece of land belonging to Respondent No.2 of a width of about 8 feet along the site of the Writ Petitioner and further up. The Photos submitted by the Writ Petitioner and Respondent No.2 would also show very clearly that the land of the Writ Petitioner is not a corner plot. In fact, it can be seen from the photos that between the compound wall of the Writ Petitioner's site and the subject land there is open space and a running drainage with cement walls and that the Writ Petitioner does not have any access to the main road.

7. Learned Counsel for the Petitioner has drawn the attention of this Court to Ex.P.4, which is a Sketch. He would submit that, in any case, after a few days or months or years, the road would be widened in pursuance of the Master Plan, during which time the toilets which are now proposed to be built will also have to be demolished, in addition to the loss of a part of the property of the Petitioner as well.

8. Having considered the facts and submissions, this Court is of the view that the proposed construction of toilets in the site belonging to GVMC,

although the land is near the compound wall of the house of the Petitioner on one side, the Petitioner is not entitled to resist the same.

9. As a matter of fact, this Court has noticed that the Petitioner's house has a gate which opens into the by-lane and, therefore, the ingress and egress of the Writ Petitioner is not at all disturbed and that the Writ Petitioner does not have direct access to the main road.

10. While considering the Meaning and Scope of word "Life" under Article 21 of the Constitution of India, the Hon'ble Apex Court had the occasion to deal with the importance of establishing 'Public Toilets' in public places in the case of **Rajeeb Kalita V. Union of India and Others** : 2025 SCC OnLine SC 81. Para No.8.24 of the said Judgment of the Hon'ble Apex Court is usefully extracted hereunder:

8.24. *Thus, the entire analysis makes it abundantly clear that public health is of paramount importance and clean public toilets contribute to the health and overall well-being of the society. Also, the right to safe and clean drinking water and sanitation is essential for the full enjoyment of life and all human rights. It is settled law that the right to life encompasses within it the right to healthy and hygienic life and the right to live with dignity. **Creation of adequate public toilets also protects the privacy and removes the threat to ladies and transgender persons. Availability of access to public toilet is an important duty of the States/UTs under the Directive Principles and it is just not enough if such provisions are made but steps are to be taken to ensure that the toilets are maintained throughout the year. Without such access to the three genders, the States/UTs can no longer claim to be welfare State.** We may hasten add here that though public toilets are built near every toll plaza in the National Highways across the country, we seldom find them to be maintained and accessible. The need for toilets/washrooms/restrooms is even more acute for judges/advocates/litigants/staff members working in large number in the Courts and Tribunals as they are mostly struck in one place for longer periods because of the demands of the job and the system in the function of the courts/Tribunals. Therefore, it is the duty of the Government and local authorities to provide basic toilet and sanitation facilities within the Court premises and*

ensure that they are constructed, maintained and kept in a hygienic condition for men, women, PwD, and transgender persons.

(Emphasis supplied)

11. The above extract of the dictum of the Hon'ble Apex Court squarely applies to the facts of this case also.

12. In any case, one apprehension expressed by the Writ Petitioner cannot be ignored, inasmuch as the construction of toilets in the proposed location may cause inconvenience to the residents in the vicinity in terms of hygiene by emitting foul smell if the toilets are not kept clean. The Written Instructions would also indicate that the maintenance of the toilets has been handed over to Lotus International, which is a Non-Governmental Organization (NGO). Sri Vijay Kumar states that the work has been entrusted to the said N.G.O under the Public-Private Partnership (PPP).

13. Therefore, the burden lies on Lotus International as well as the Official Respondents to ensure that the toilets are maintained absolutely clean and shall also ensure that foul smell shall not emanate from the toilets that may cause inconvenience to the residents of the house belonging to the Writ Petitioner. In any case, it is always open to the Writ Petitioner to raise objections and agitate about the inconvenience that may be caused to the residents of the house belonging to the Writ Petitioner before the competent authority/Respondent No.2.

14. With these observations and directions, this Writ Petition stands disposed of. No order as to costs.

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

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 06.05.2026

Note: LR copy to be marked.

B/o.DSV/MNR