



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**MONDAY, THE FOURTEENTH DAY OF JUNE,
TWO THOUSAND AND TWENTY ONE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY
WRIT PETITION NO: 10325 OF 2021**

Between:

N.Satyanarayana, S/o. N.Kirshnamurthy, Aged 45 years, R/o.57-4-41, Durga Nagar
Kancharlapalem Visakhapatnam.

...Petitioner

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Municipal Administration & Urban Development, Secretariat Buildings, Amaravathi, Guntur District.
2. Greater Visakhapatnam Municipal Corporation, Visakhapatnam, rep. by its Commissioner.
3. The Zonal Commissioner, Zone-IV, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.

...Respondents

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, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the impugned action of the Visakhapatnam Municipal Corporation, the 2nd respondent herein, in issuing the Proceedings in Rc.No.1700/2020/A7 of Greater Visakhapatnam Municipal Corporation, Zone-IV, Visakhapatnam dated 20.11.2020 (Served and received on 24.11.2020) as arbitrary, illegal, capricious, high handed, violate the fundamental rights guaranteed to the petitioner under Articles 14, 25 and the guarantee under Article 300-A of the Constitution of India, the Statutory provisions of the Hyderabad Municipal Corporation Act, 1955 as is made applicable to the Greater Visakhapatnam Municipal Corporation Act, the G.O. Ms. No. 56 of Municipal Administration and Urban Development (J1) Department of Government of Andhra Pradesh dated 05.02.2011 issued under the provisions of Andhra Pradesh Municipalities (Regulation of Receipts and Expenditure) Rules, 1968 exercising the powers conferred under Section 326 of the A.P. Municipalities Act, 1965 and the principles of natural justice and fair play and consequently direct the respondents herein not to interfere with his peaceful physical possession and continuous enjoyment in respect of Shop No.14, Wholesale Vegetable Market, Gnanapuram, (Popularly Known as Convent Junction Market), Zone IV, Greater Visakhapatnam Municipal Corporation, Visakhapatnam in any manner whatsoever including the pretext of nonpayment of the amounts demanded under the impugned proceedings.

IA NO: 1 OF 2021

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 stay of all further proceedings pursuant to the Proceedings Rc.No.1700/2020/A7 dated 20.11.2020 (Served and received on 24.11.2020) of the Greater Visakhapatnam Municipal Corporation, Zone-IV, Visakhapatnam, the 2nd respondent herein through the 3rd respondent, including not to seal the premises Shop No.14, Wholesale Vegetable Market, Gnanapuram, (Popularly Known as Convent Junction Market), Zone IV, Greater Visakhapatnam Municipal Corporation, Visakhapatnam in any manner whatsoever including under the pretext of nonpayment of the amounts demanded under the impugned proceedings, pending disposal of WP 10325 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri T.S.Anand, Advocate for the Petitioner and GP for Municipal Administration & Urban Development for the Respondent No.1 and Sri S.Lakshminarayana Reddy, Standing Counsel for the Respondent Nos.2 & 3, the Court made the following.

ORDER:

“Learned standing counsel appearing for the respondents seeks time to file counter affidavit.

Post on 28.06.2021 for filing counter.

Till then, there shall be an order of *status quo* with regard to possession of the subject property.”

**SD/- T.Madhavi
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Municipal Administration & Urban Development, Secretariat Buildings, Amaravathi, Guntur District, State of Andhra Pradesh.
2. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
3. The Zonal Commissioner, Zone-IV, Greater Visakhapatnam Municipal Corporation, Visakhapatnam. (Addresses 1 to 3 by RPAD)
4. One CC to Sri. T.S.Anand, Advocate [OPUC]
5. Two CCs to GP for Municipal Administration & Urban Development, High Court of Andhra Pradesh. [OUT]
6. One CC to Sri S.Lakshminarayana Reddy, Standing Counsel [OPUC]
7. One spare copy

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HIGH COURT

MSMJ

DATED:14/06/2021

NOTE: POST ON 28-06-2021 FOR FILING COUNTER

ORDER

WP.No.10325 of 2021

STATUS QUO

