

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**



THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 16347 OF 2021

Between:

K.Upendra, S/o. Venkata Ramana Achari, aged 26 years, R/o. 17/1016, Tilak Nagar, Guntakal, Anantapur District.

...Petitioner

AND

1. The Guntakal Municipality, Guntakal, Anantapur District Rep. by its Municipal Commissioner.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat, Velagapudi, Amaravathi, Guntur District.

...Respondents

WHEREAS the Petitioner above named through his Advocate M/s. Sazid Kallur presented this 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 to declare the action of the respondent No.1 in intending to demolish the house of the petitioner bearing H.No.17/ 1016, Tilak Nagar, Guntakal, Anantapur District for purpose of road widening without following due process of law and without initiating the Land Acquisition proceedings and without issuing notice or opportunity as arbitrary and illegal and violation of articles 14, 19 and 300-A of the Constitution of India and consequently direct the 1st respondent not to demolish the house of the petitioner bearing H.No.17/ 1016, Tilak Nagar, Guntakal, Anantapur District belong without following due process of law in the interest of justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of M/s. Sazid Kallur Advocate for the Petitioner and Sri N. Ranga Reddy, Standing counsel for Respondent No.1, GP for Municipal Administration for Respondent No.2, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Municipal Commissioner, Guntakal Municipality, Guntakal, Anantapur District.
2. The Principal Secretary, Municipal Administration Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 09.09.2021, on which date the case stands posted for hearing.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 1st respondent not to demolish the house of the petitioner bearing H.No.17/1016, Tilak Nagar, Guntakal, Anantapur District belong without following due process of law, pending disposal of WP No.16347 of 2021, on the file of the High Court.

The Court made the following;

ORDER:

"Notice before admission returnable in four (04) weeks.

Sri N.Ranga Reddy, takes notice on behalf of R1.

Learned Counsel for petitioner submits that the petitioner along with his brother has made an application for construction of the building and accordingly building permission was granted on 18.8.2015 and the petitioner has constructed a house as per the sanctioned plan. Now without notice, the respondents are trying to demolish the petitioner's house. Hence the present writ petition is filed.

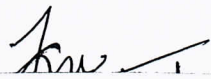
Learned Standing Counsel appearing for R1 submits that if they want the subject property for road widening purpose, the authorities will follow due process of law. He also stated that at the time of obtaining permission for construction of building, the petitioner and his brother had agreed to gift a portion of the land as registered gift deed. In view of the same, the authorities are entitled for demolition of the subject property.

Learned Counsel for petitioner submits that no notice was issued to the petitioner for demolition of property.

Considering the same, the respondents are directed not to demolish the petitioner's property without following due process of law.

Post after four (04) weeks."

//TRUE COPY//


Sd/-K. Tata Rao
ASSISTANT REGISTRAR


SECTION OFFICER
FOR ASSISTANT REGISTRAR

To,

1. The Municipal Commissioner, Guntakal Municipality, Guntakal, Anantapur District.
2. The Principal Secretary, Municipal Administration Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District. (1 & 2 by RPAD- along with a copy of petition and Affidavit)
3. One CC to M/s. Sazid Kallur, Advocate [OPUC]
4. One CC to Sri. N Ranga Reddy Standing Counsel [OPUC]
5. Two CCs to GP for Municipal Administration, High Court of AP [OUT]
6. One spare copy.

MSB

HIGH COURT

DR,J

DATED:05/08/2021

ORDER

POST AFTER FOUR (04) WEEKS

NOTICE BEFORE ADMISSION

WP.No.16347 of 2021

INTERIM DIRECTION

