

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

[3285]



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

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI ARUP KUMAR GOSWAMI
AND
THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 17721 OF 2021

Between:

1. P. Jayaramaiah, S/o.P.Yagaiah, Aged about 68 years, Occ Agricuture / Ex.Sarpanch, Harijanawada Hamlet, Uranduru Village, Sri Kalahasti Mandal, Chittoor District.
2. B.Harinatha Reddy, S/o.late B.G.Subbarami Reddy, Aged about 70 years, Occ:Agricuture / Ex.Sarpanch, Uranduru Village, Sri Kalahasti Mandal, Chittoor District.
3. P.Harshavardhan Reddy, S/o.late P.Veera Reddy, Aged about 48 years, Occ:Agricuture / Ex.Sarpanch, Uranduru Village, Sri Kalahasti Mandal, Chittoor District.
4. B.Padmavathi, W/o.Munirathnam, Aged about 54 years, Occ:Agricuture / Ex.Sarpanch, Uranduru Village, Sri Kalahasti Mandal, Chittoor District.
5. M.Suneetha, W/o.Subbaiah, Aged about 40 years, Occ:Agricuture / Ex.Sarpanch, ST Colony, Uranduru Village, Sri Kalahasti Mandal, Chittoor District.
6. T.Venkatamuni, S/o.Govindaiah, Aged about 41 years, Occ:Agriculture / Ex.Sarpanch, Narayanapuram Village, Urandur Post, Sri Kalahasti Mandal, Chittoor District.

AND

Petitioners

1. The State of Andhra Pradesh Rep.by its Chief Secretary, Secretariat, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, Chief Secretary -MA and UD (G2) Department, Secretariat, Velagapudi, Guntur District
3. The State of Andhra Pradesh, Principal Secreatary, Panchayat Raj and Rural Development Dept., Secreariat, Velagapudi, Guntur District
4. The Commissioner, Panchayat Raj and Rural Development
5. The Commissioner, Director of Municipal Administration, and Urban Development, Government of Andhra Pradesh, Guntur.
6. Sri Kalahasti Municipality, Rep.by its Commissioner, Sri Kalahasti, Chittoor District

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 of Mandamus, or any other appropriate writ, order or direction, declaring the Andhra Pradesh Municipal laws (Amendment) Act, 2021 (Act No. 5 of 2021) merging the Urandhuru and Narayanapuram Gram Panchayats into Sri Kalahasti Municipality as illegal, arbitrary, unreasonable, without jurisdiction, contrary to the provisions of the Act and in violation of Articles 19(1)(g) and 243-Q of the Constitution of India and consequently set aside the same in respect of the Uranduru and Narayanapuram Gram Panchayats;

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 interim direction directing the respondent No.6 not to interfere with the functions of the Urandhuru and Narayanapuram Gram Panchayats mentioned at Serial No.12 in column No.3 (Item Nos.3 and 6) in Schedule-XI of the Andhra Pradesh Municipal laws (Amendment) Act, 2021 (Act No. 5 of 2021) by allowing the Urandhuru and Narayanapuram Gram Panchayats to function as per the provisions of the Andhra Pradesh Panchayat Raj Act, 1994, pending disposal of the Writ Petition No.17721 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.Rambhoopal Reddy, Advocate for the Petitioner, Sri.S.Sri Ram, learned Advocate General for Respondent Nos1 to 5 and of Sri.N.Ranga Reddy, learned standing counsel for respondent No.6, the Court made the following.

ORDER:

(Through Video-Conferencing)

Heard Mr.Rambhoopal Reddy, learned counsel, appearing for the petitioners.

Also heard Mr. S. Sri Ram, learned Advocate General, appearing for respondent Nos.1 to 5 and Mr.N.Ranga Reddy, learned standing counsel appearing for respondent No.6.

Earlier a batch of writ petitions had been filed challenging the Andhra Pradesh Municipal Laws (Third Amendment) Ordinance, 2020. Subsequently, the Andhra Pradesh Municipal Laws (Amendment) Act, 2021, was published in the Gazette on 09.06.2021, making it applicable w.e.f., 31.12.2020. The said writ petitions were disposed of on 06.08.2021 recording as follows:

“ 5. Learned counsel for the petitioners submit that on 20.04.2021 when the matters were last listed, the learned Advocate General had made a submission that in view of the pendency of the writ petitions, no steps would be taken towards holding of elections in subject Municipalities/Corporations/Nagar Panchayaths and, therefore, this Court may pass an order protecting the interest of the petitioners for a limited period so that no steps for holding elections are taken after withdrawal of the writ petitions and before filing of fresh writ petitions.

6. Learned Advocate General submits that for a period of 3 (three) weeks from today, no steps for holding elections shall be taken in the subject Municipalities/Corporations/Nagar Panchayaths.

7. In view of the above submissions of the learned counsel for the parties, all the writ petitions are disposed of on withdrawal, reserving liberty to the writ petitioners to assail the Andhra Pradesh Municipal Laws (Amendment) Act, 2021 (Act 5 of 2021) by filing fresh writ petitions. After filing of the writ petitions, if any prayer for interim order is made, the same shall be considered in accordance with law. No costs. Pending miscellaneous applications, if any, shall stand closed."

By the present writ petition, the Andhra Pradesh Municipal Laws (Amendment) Act, 2021 is sought to be challenged.

Mr. S. Sri Ram submits that within a period of two weeks, he will file counter-affidavit to the writ petition and thereafter, either the interim prayer or the writ petition may be taken up for consideration. He also submits that till the next date fixed, no steps for holding elections shall be taken in respect of the subject Municipality.

Mr. Rambhoopal Reddy submits that in case any affidavit is filed within time, he will file a reply. He further submits that he would have no objection either to take up the writ petition or interim petition for consideration on the next date of hearing.

Considering the matter in its entirety, the Registry is directed to list this case on 20.09.2021.

On the next date fixed, either the petition for interim prayer or the writ petition will be taken up for consideration.

SDI-B.CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Chief Secretary, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, Chief Secretary -MA and UD (G2) Department, Secretariat, Velagapudi, Guntur District
3. The Principal Secretary, Panchayat Raj and Rural Development Dept., State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District
4. The Commissioner, Panchayat Raj and Rural Development
5. The Commissioner, Director of Municipal Administration, and Urban Development, Government of Andhra Pradesh, Guntur.
6. The Commissioner, Sri Kalahasti Municipality, Sri Kalahasti, Chittoor District (1 to 6 by RPAD)
7. One CC to SRI.RAMBHOOPAL REDDY Advocate [OPUC]
8. One CC to THE ADVOCATE GENERAL, High Court of A.P.(OUT)
9. One CC to Sri.N.Ranga Reddy, Standing Counsel (OPUC)
10. Two CCs to GP for Panchayat Raj and Rural Development, High Court of A.P.(OUT)
11. Two CCs to GP for Municipal Administration and Urban Development, High Court of A.P.(OUT)
12. Two spare copies

HIGH COURT

HCJ & NJSJ

DATED:25/08/2021

NOTE: LIST THIS CASE ON 20.09.2021

ORDER

WP.No.17721 of 2021

DIRECTION

