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

THURSDAY ,THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 17493 OF 2023

Between:

1. Shaik Javeed Basha, Aged about 30 Years, S/o Sheik Khader Basha, R/o D.No.11/251, Bellam Mandi, Kadapa.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, Rep by its Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. Municipal Corporation,, Kadapa, Represented by its Commissioner.

...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 tomay be pleased to issue an appropriate Writ or order or direction, one more particularly in the nature of a Writ of Mandamus, declaring the action of the Respondents herein in blocking the License of the Petitioner and in restraining him from applying for Layout Approvals as being illegal, arbitrary, unjust, violative of Principles of Natural Justice and violative of Articles 14, 19 (1) (g), 21 and 300A of the Constitution of India and consequently direct the Respondents to unblock the License of the Petitioner and permit him to apply for the license in pursuance of the Order dated 13.07.2020, that is issued vide Roc,No.603/G1/2005 and pas such

IA NO: 1 OF 2023

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 suspend the blockage of the License issued to the Petitioner.

Counsel for the Petitioner(s):SRI. VIVEKANANDA VIRUPAKSHA
Counsel for the Respondent No. 1: GP FOR MUNCIPAL ADMN URBAN DEV
Counsel for the Respondent No. 2: SRI KALAVA SURESH KUMAR REDDY, SC FOR MUNICIPAL CORPORATION

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

THURSDAY, THE 31ST DAY OF AUGUST, TWO THOUSAND AND TWENTY THREE

WRIT PETITION No. 17493 of 2023

Between:

Shaik Javeed Basha, Aged about 30 years, S/o. Shaik Khader Basha, R/o. D.No. 11/251, Bellam Mandi, Kadapa.

....Petitioner

And

The State of Andhra Pradesh, Rep by its Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat Buildings, Velagapudi, Amaravati, Guntur District and another.

....Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the respondent-corporation.

2. This writ petition is filed questioning the action of the respondents in blocking the license of the petitioner restraining the petitioner from applying for the layout approvals.

3. The learned counsel for the petitioner submits that the petitioner was given license as Municipal Licensed Engineer for the period from 13.08.2020 to 12.08.2021 subject to certain terms and conditions as mentioned in the said order dated 13.07.2020 by the 2nd respondent herein. The same was extended on 09.08.2021 and 09.08.2022 accordingly the said license shall be in force up to 09.08.2023. While so, the petitioner made an application for construction of residential building at the Door No. 16/466-1-1-1 in Sy.No. 14/2 of Ghouse Nagar, Kadapa (U), Kadapa, Kadapa Municipal Corporation. Suddenly, it came to light that on 12.04.2023 the petitioner's license is blocked with an endorsement that the petitioner is not authorised to submit the plan due to blocking under provision of rule 22 (c), 28 (B) in Chapter-III of AP Building Rules 2017. Then the petitioner gave a representation dated 19.06.2023 to the District Collector. The 2nd respondent also addressed a letter to the Sub-Registrar, Kadapa vide letter dated 28.07.2022 accepting the gift deed given in respect of Sy.No. 14/2 for the Door No. 16/466-1-1-1, Ghouse Nagar, Kadapa, YSR District to register the gift deed in favour of the Commissioner, Municipal Corporation, Kadapa. The copy of the approval by settlement deed also

settlement deed also discloses the property particulars as Sy.No. 14/2, Door No. 16/466-1-1-1, Ghouse Nagar, Kadapa, YSR District. Then the 2nd respondent issued an endorsement dated 21.06.2023 on the representation of the petitioner dated 19.06.2023 stating that the corporation issued a short fall and revoked the file vide B.A.No. 1013/1165/B/KAD/GN/2022 dated 20.12.2022 for the land in Sy.No. 943 of Chinnachowk Village, Kadapa as it is classified as a government land which was noticed upon verification that the said land is described as a burial ground. Hence, regretted to inform that the request of the petitioner to unblock the LTP user ID is not accepted.

4. On the other hand, the learned Standing Counsel appearing for the 2nd respondent relying upon the counter of the 2nd respondent submits that the petitioner submitted the application for the construction of residential building at Door No. 16/466-1-1-1 in Sy.No. 14/2, Ghouse Nagar, Kadapa. But the actual construction took place in Sy.No. 943 of Chinnachowk Village, Kadapa which is designated for the burial ground. The learned Standing Counsel also submits that there is a procedure contemplated for debarring or blacklisting the licensed technical person if found to be

indulging in professional misconduct or misrepresentation of any material fact with the legal authority by giving him show cause notice with a personal hearing.

5. In view of the above said facts and circumstances, it is to be seen that for the blacklisting of the petitioner as the licensed Engineer, no show cause notice is issued so far, but an endorsement of the 2nd respondent dated 21.06.2023 discloses that there is blocking of LTP user ID of the petitioner. In order to establish the guilt of the petitioner as contemplated under the relevant rules and the procedure, there shall be an issuance of show cause notice and submission of explanation by the petitioner and conducting of enquiry. Subject to the outcome of the enquiry, an appropriate decision can be taken either to debar or blacklist during the currency of the licence period. Without resorting to the procedure contemplated, it is not also legal, fair and reasonable for the authorities to block the User Id without giving any opportunity to the petitioner also. In view of the same, the 2nd respondent is directed to issue a show cause notice to the petitioner in the matter of debarring or blacklisting of the petitioner as licensed Engineer for the 2nd respondent corporation on specific allegations/grounds

within a period of three (3) weeks from the date of receipt of this order. Upon receiving of such show cause notice from the 2nd respondent-corporation, the petitioner is permitted to submit his explanation along with the necessary documents in support of his claim within a period of three (3) weeks thereafter. On receipt of such explanation from the petitioner, the 2nd respondent shall conduct a necessary enquiry by giving due opportunity to the petitioner to participate in the enquiry and upon verification of the records and hearing of all the parties concerned, appropriate decision shall be taken strictly in accordance with the rules contemplated under Chapter III, Clause-27 (revised as 28) in G.O.Ms. No. 119, MA & UD dated 28.03.2017. For the sake of any interim relief pending enquiry, the petitioner can make application to the authority concerned and it can be decided by the said authority on it's own merits.

6. Accordingly, the Writ Petition is disposed off. No costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

SD/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, The State Of Andhra Pradesh, Department of Municipal Administration and Urban Development, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. Municipal Corporation, Kadapa, Represented by its Commissioner.
3. One CC to SRI. VIVEKANANDA VIRUPAKSHA, Advocate [OPUC]
4. One CCto SRI KALAVA SURESH KUMAR REDDY, SC FOR MUNICIPAL CORPORATION, Advocate [OPUC].
5. Two CCs to GP FOR MUNCIPAL ADMN URBAN DEV ,High Court Of Andhra Pradesh. [OUT]
6. Two CD Copies

Pujitha

HIGH COURT

DATED:31/08/2023

ORDER

WP.No.17493 of 2023

9 copies
TP
18/10/2023

DISPOSING OF THE WP WITHOUT COSTS