

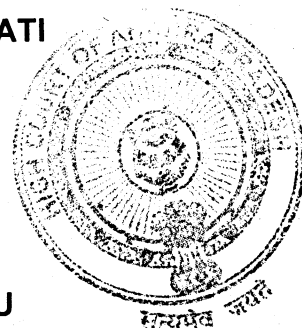
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

W.P. NO: 259, 260 OF 2021, WP No.25580 & 25304 of 2020



WP No.259 OF 2021

Between:

1. V.Prasad, S/o.V.Satyamachary.
2. B.S.Md Zubair, S/o.B.S.Md.yaseen.
3. R.Ravi Kumar, S/o.R.Ramanaiah.
4. S.Maqqbool Ahamed, S/o.S.Abdu Raheem.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Department, Velagapudi, Guntur District.
2. Kurnool Municipal Corporation, Rep. by its Commissioner, Kurnool, Andhra Pradesh.
3. The Deputy City Planner Kurnool Municipal Corporation, Kurnool, Andhra Pradesh.
4. The Kurnool Town Sharoff Co-Operative Housing Construction Society Limited, Represented by its President Sharoff Bazar, Kurnool

Respondent

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 other appropriate order or direction declaring the proceedings of the second respondent bearing Nos. 371262/2020/JA(G2)TP-KMC dated 16-12-2020 and 371262/2020/JA(G2)TP-KMC dated 24-12-2020 as arbitrary, discriminatory and violative of Articles 14 and 300A of the Constitution of India, Principles of Natural Justice, and contrary to the provisions of Hyderabad Municipal Corporation Act, 1955 and consequently direct the second respondent not to demolish the structure bearing Door Nos. 18/100-A1-37, 18/100/38, 18/100-A 1 - 39, 18/100-A1-40 and 18/100-A1-40 D situated at Sri Venkatachalapathi Sharoff Bazar, Kurnool, Andhra Pradesh, in the interest of justice

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 direct the second respondent not to demolish the structure bearing Door Nos. 18/100-A1-37, 18/100/38, 18/100-A1-39, 18/100-A1-40A and 18/100-A1-40D situated at Sri Venkatachalapathi Sharoff Bazar, Kurnool, Andhra Pradesh, pursuant to the proceedings bearing No. 371262/2020/JA(G2)TP-KMC dated 24-12-2020 or otherwise, pending disposal of WP 259 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 the order of the High Court dated 07-01-2021, 19-01-2021 & 02.02.2021 made herein and upon hearing the arguments of Sri B Nalin Kumar, Advocate for the Petitioners, GP for Municipal Administration and Urban Department for the Respondent No.1.

WP No.260 OF 2021

Between:

1. C.Jagadeesh, S/o.C.Manohar.
2. A.Laxminarayana, S/o.A.Laxman Rao.
3. B.Pramod, S/o.B.Dayaram.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Department, Velagapudi, Guntur District.
2. Kurnool Municipal Corporation, Rep. by its Commissioner, Kurnool, Andhra Pradesh.
3. The Deputy City Planner Kurnool Municipal Corporation, Kurnool, Andhra Pradesh.
4. The Kurnool Town Sharoff Co-Operative Housing Construction Society Limited, Represented by its President, Sharoff Bazar, Kurnool

...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 other appropriate order or direction declaring the proceedings of the second respondent bearing Nos. 371262/2020/JA(G2)TP-KMC dated 16-12-2020 and 371262/2020/JA(G2)TP-KMC dated 24-12-2020 as arbitrary, discriminatory and violative of Articles 14 and 300A of the Constitution of India , Principles of Natural Justice, and contrary to the provisions of Hyderabad Municipal Corporation Act, 1955 and consequently direct the second respondent not to demolish the structure bearing Door Nos. 18/100-A1-1B, 18/100/A1-C , and 18/100-A1-1E situated at Sri Venkatachalapathi Sharoff Bazar, Kurnool , Andhra Pradesh, in the interest of justice.

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 second respondent not to demolish the structure bearing Door Nos. 18/100-A1-1B, 18/100/A1-C, and 18/100-A1-1E, respectively situated at Sri Venkatachalapathi Sharoff Bazar, Kurnool, Andhra Pradesh, pursuant to the proceedings bearing No. 371262/2020/JA(G2)TP-KMC dated 24-12-2020 or otherwise, pending disposal of WP 260 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 the order of the High Court, 07.01.2021, 19-01-2021 & 02-02-2021 made herein and upon hearing the arguments of Sri B Nalin Kumar, Advocate for the Petitioners, GP for Municipal Administration and Urban Department for the Respondent No.1 and of Sri Kalava Suresh Kumar Reddy for the respondent Nos.2 to 4.

WP No.25580 OF 2021

Between:

The Kurnool Town Sharoff Co-Operative Housing Construction Society Limited, Represented by its Director, T.Nagaraju, S/o late T.Raja Rathanam Kurnool.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary, Municipal Administration & Urban Department, Velagapudi, Guntur District.
2. Kurnool Municipal Corporation, Rep. by its Commissioner, Kurnool.
3. The Deputy City Planner Kurnool Municipal Corporation, Kurnool.

...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 and

circumstances the petitioners having no other alternative are approaching this Hon'ble Court under Article 226 of the Constitution to issue a writ direction more particularly one in the nature of Mandamus

- (i) declaring the action of the Respondent No.2 and 3 in starting the demolition of the structures in Petitioner Societies premises bearing door No.18/100-A1-1 and 18/100-A1-1-B of Sri. Venkatachalapathi Sharoff Bazar, Kurnool without following the due procedure contemplated under GHMC Act as illegal, arbitrary, unjust, high handed, malafide and against the provision of GHMC Act, 1955 and also violative of Article 300-A of the Constitution of India and
- (ii) consequently, set aside proceedings bearing No. 371262/2020/JA(G2)TP-KMC dated 24.12.2020 directing removal of alleged unauthorized structures and the preceding order passed by the 2nd Respondent dated 16.12.2020 in proceedings bearing ROC No. 371262/2020/JA (G2)TP-KMC and notice issued by the 2nd Respondent bearing UC No.5/2020/WPRS-100 dated 28.09.2020 under section 452, 461 and 636 of HMC Act 1955.

IA NO: 1 OF 2020

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 Respondent No.2 to not demolish the structures in door No.18/100-A-37, 18/100-A-38, 18/100-A-39 and 18/100-A-40A to 40G, of Sri. Venkatachalapathi Sharoff bazar, Kurnool, pending disposal of WP 25580 of 2020, 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 the Order of the High Court dated 30-12-2020 & 29-01-2021 made herein and upon hearing the arguments of Sri A.Venkatesh, Advocate for the Petitioner and of GP for Municipal Administration for the Respondent No.1 and of Sri Suresh Kumar Reddy Kaluva Standing Counsel for the Respondent Nos. 2 & 3.

WP No.25304 OF 2021

Between:

The Kurnool Town Sharoff Co-Operative Housing Construction Society Limited,
Represented by its Director, T.Nagaraju S/o late T.Raja Rathanam Kurnool

Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary, Municipal Administration and Urban Department, Velagapudi, Guntur District.
2. Kurnool Municipal Corporation, Rep. by its Commissioner, Kurnool.
3. The Deputy City Planner, Kurnool Municipal Corporation, Kurnool.

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 direction more particularly one in the nature of Mandamus

- (i) declaring the action of the Respondent No.2 & 3 in starting the demolition of the structures in Petitioner Society's premises bearing door No. 18/100-A-37, 18/100-A-38, 18/100-A-39 and 18/100-A-40A to 40G, of Sri. Venkatachalapathi Sharoff bazar, Kurnool without following the due procedure contemplated under GHMC Act as illegal, arbitrary, unjust, high handed, malafide and against the provision of GHMC Act, 1955 and also violative of Article 300-A of the Constitution of India and
- (ii) consequently, set aside proceedings bearing No. 371262 /2020/JA(G2)TP-KMC dated 24.12.2020 directing removal of alleged unauthorized structures and the preceding order passed by the 2nd Respondent dated 16.12.2020 in proceedings bearing ROC No.

371262/2020/JA (G2)TP-KMC and notice issued by the 2nd Respondent bearing UC No.7/ 2020/ WPRS-100 dated 28.09.2020 under section 452, 461 and 636 of HMC Act 1955.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in W.P., the High Court may be pleased to direct the Respondent No.2 to not demolish the structures in door No.18/100-A-37, 18/100-A-38, 18/100-A-39 and 18/100-A-40A to 40G, of Sri. Venkatachalapathi Sharoff bazar, Kurnool, pending disposal of WP 25304 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and affidavit filed herein, and Orders of High Court dated 26-12-2020, 29-12-2020 and 19-01-2021 made herein and upon hearing the arguments of Sri A Venkatesh, Advocate for the Petitioner, and Sri Suresh Kumar Reddy Kaluva Standing Counsel (is not on the file) for Municipal Corporation for the Respondents Nos 1 & 2.

The Court made the following ORDER:

List along with WP No.24618 of 2020.

List on 03.03.2021.

Interim order granted earlier is extended till 10.03.2021.

//TRUE COPY//

Sd/-T.Madhavi
ASSISTANT REGISTRAR
P. S. Laxmi
SECTION OFFICER

FOR ASSISTANT REGISTRAR

To,

1. One CC to Sri B Nalin Kumar, Advocate [OPUC]
2. One CC to Sri A Venkatesh, Advocate (OPUC)
3. Two CCs to GP for Municipal Administration and Urban Department, High Court of Andhra Pradesh. [OUT]
4. One CC to Sri Kalava Suresh Kumar Reddy, Advocate [OPUC]
5. The Section Officer, Writ (Non-Service) Section, High Court of AP
6. One spare copy

tvr

HIGH COURT

DVSSJ

DATED: 19/02/2021

POST ON 03.03.2021

ORDER

W.P. NO: 259, 260 OF 2021, WP No.25580 & 25304 of 2020

EXTENSION OF INTERIM ORDER

