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

THURSDAY, THE NINETEENTH DAY OF MAY, TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI WRIT PETITION NO: 15171 OF 2022

Between:

Kattukolu Vimala, W/o. Late Ramakoti Reddy, Aged 75 years, Occ: Housewife, R/o. H.No.6-3-2370, NGO's Colony, Vanasthalipuram, Rangareddy District, Currently Residing at D.No.5-30, Sy.No.406/2, Nutakki Village, Mangalagiri Tadepalli Municipal Corporation, Guntur District, Andhra Pradesh.

...Petitioner

AND

- 1. The State of Andhra Pradesh, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings at Velagapudi, Amaravati, Guntur District.
- 2. The District Collector and District Magistrate, Guntur District, Guntur.
- 3. The Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri Town and Mandal, Guntur District.
- 4. The Additional Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri Town and Mandal, Guntur District.
- 5. The Nutakki Gram Panchayat, Represented by its Panchayat Secretary, Nutakki Village, Mangalagiri Mandal, Guntur District

...Respondents

WHEREAS the Petitioner above named through his Advocate Sri OMKAR.D. 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 or order or direction more particularly one in the nature of writ of mandamus declaring the high-handed action of the respondents in issuing the impugned speaking order in the guise of a notice in Roc.No.681/2021/G1 dated 05.05.2022 under Section 639 and 640 of The Andhra Pradesh Municipal Corporation Act, 1955 ordering the petitioner to self-demolish her house admeasuring an extent of 519 Sq.Yards (261 Sq.Yards and 258 Sq.Yards) situated at D.No.5-30 (erroneously mentioned as D.No.5-53 in the impugned notice dated 05.05.2022), Sy.No.406/2, Nutakki Village, Currently merged into Mangalagiri Tadepalli Municipal Corporation, Mangalagiri Mandal, Guntur District, within 7 days from the receipt of the said notice, and further trying to demolish the petitioner's house without following the due process of law and without giving the petitioner an opportunity of being heard despite of the representation of the petitioner dated 13.05.2022 as highly illegal, arbitrary, unconstitutional and violative of Principles of Natural Justice and Violative of Article 14, 21 and 300-A of the Constitution of India and oppose to all cannons of justice and consequently grant stay of all further proceedings in the impugned notice in Roc.No.681/2021/G1 dated 05.05.2022 issued under Section 639 and 640 of The Andhra Pradesh Municipal Corporation Act, 1955 by directing the respondents herein not to demolish the petitioner's subject house admeasuring an extent of 519 Sq. Yards (261 Sq. Yards and 258 Sq. Yards) situated at D.No.5-30 (erroneously mentioned as D.No.5-53 in the impugned notice dated 05.05.2022), Sy.No.406/2, Nutakki Village currently merged into Mangalagiri Tadepalli Municipal Corporation, Mangalagiri Mandal, Guntur District.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Omkar D, Advocate for the Petitioner and GP for Municipal Administration for the Respondent No.1 and GP for Revenue for the Respondent No.2 and Sri M.Manohar Reddy, Standing Counsel for the Respondent Nos.3 & 4 and Sri I.Koti Reddy, Standing Counsel for the Respondent No.5, 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 Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings at Velagapudi, Amaravati, Guntur District.
- 2. The District Collector and District Magistrate, Guntur District, Guntur.
- 3. The Commissioner,, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri Town and Mandal, Guntur District.
- 4. The Additional Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri Town and Mandal, Guntur District.
- 5. The Panchayat Secretary, Nutakki Gram Panchayat, Nutakki Village, Mangalagiri Mandal, 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.

The Court made the following: ORDER:

"Notice before admission.

The learned Government Pleader for Municipal Administration takes notice for Respondent No.1.

The learned Government Pleader for Revenue takes notice for respondent No.2.

The learned Standing Counsel for Municipal Corporation takes notice for Respondent Nos.3 & 4.

The learned Standing Counsel for Gram Panchayats takes notice for Respondent No.5.

List the matter after Summer Vacation-2022, for filing counters of the concerned respondents."

Sd/- K. SRINIVASA RAJU ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

SECTION C

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings at Velagapudi, Amaravati, Guntur District.

2. The District Collector and District Magistrate, Guntur District, Guntur.

3. The Commissioner,, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri Town and Mandal, Guntur District.

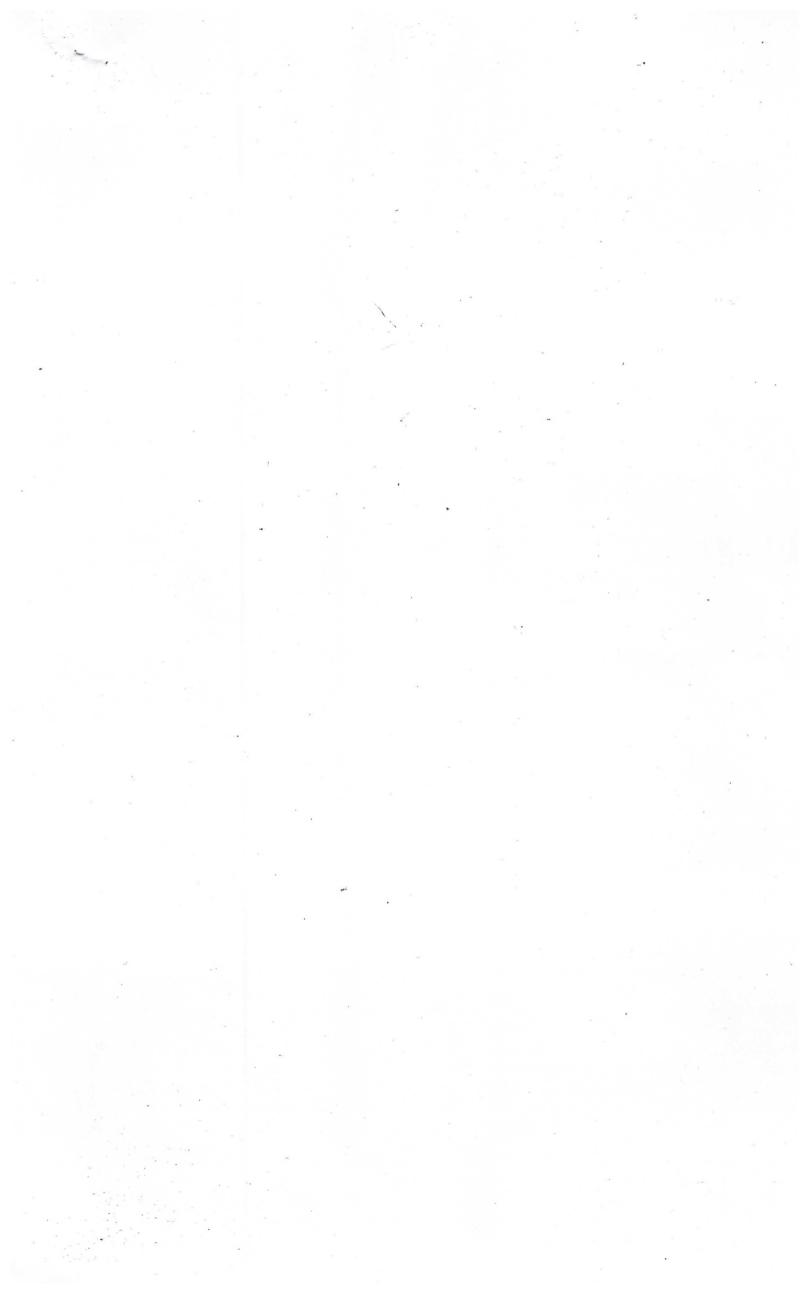
4. The Additional Commissioner, Mangalagiri Tadepalli Municipal Corporation, Mangalagiri Town and Mandal, Guntur District.

5. The Panchayat Secretary, Nutakki Gram Panchayat, Nutakki Village, Mangalagiri Mandal, Guntur District (Addressee Nos.1 to 5 by RPAD- along with a copy of petition and affidavit)

6. One CC to Sri. Omkar D, Advocate [OPUC]

- 7. Two CCs to GP for Municipal Administration, High Court of Andhra Pradesh. [OUT]
- 8. Two CCs to GP for Revenue, High Court of AP [OUT]
- 9. One CC to Sri I.Koti Reddy, Standing Counsel [OPUC]
- 10. One CC to Sri M.Manohar Reddy, Standing Counsel [OPUC]
- 11. One spare copy

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RCJ

DATED:19/05/2022

NOTE: LIST THE MATTER AFTER SUMMER VACATION- 2022, FOR FILING COUNTERS OF THE CONCERNED RESPONDENTS

NOTICE BEFORE ADMISSION

WP.No.15171 of 2022

