

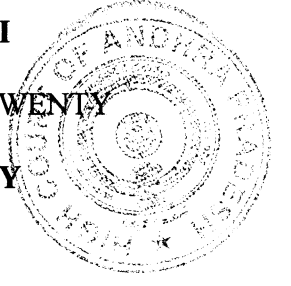
**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
(SPECIAL ORIGINAL JURISDICTION)  
FRIDAY, THE THIRTIETH DAY OF OCTOBER, TWO THOUSAND AND TWENTY**

**:PRESENT:**

**THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY  
IA No. 1 of 2020**

**IN**

**WRIT PETITION No. 20202 of 2020**



**Between :-**

Cheedella Naga Venkata Ranga Rao, S/o. Ch. Subrahmanyam, Aged about: 46years, Occ: Business, R/o. H.No: 34-4-9B, Mandelavari Veedhi, Palakollu, West Godavari District, Andhra Pradesh.

**Petitioner**

**And**

1. The State of Andhra Pradesh Rep.by its Principal Secretary, Municipal Administration & Urban Development Department, Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
2. The Palakollu Municipality, Rep. by its Commissioner, Palakollu, West Godavari.

**...Respondents**

**Counsel for the Petitioner**

**: SRI POLISETTI RADHA KRISHNA**

**Counsel for the Respondent No. 2**

**: SRI M.MANO HAR REDDY (standing  
counsel for palakollu municipality)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to suspend the Endorsement in Notice in Roc. No. 989/2014/G1, dt. 05.10.2020 of the 2<sup>nd</sup> respondent not to demolish the structures at Door No. 34-4-9B, Mandelavari Veedhi, Devuni Thota, Palakollu, West Godavari District, pending disposal of the above writ petition No.20202 of 2020, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order: (The receipt of this order will be deemed to be the receipt of notice in the case).

**ORDER :-**

**“Heard, Sri Poliseti Radha Krishna, learned counsel for the petitioner and Sri M.Manohar Reddy, learned standing counsel for Palakollu Municipality (through video conferencing at 3.30 p.m.).**

**This Application is filed under Section 151 of C.P.C to suspend the endorsement in Roc. No.989/2014/G1 dt.05.10.2020 of the 2<sup>nd</sup> respondent, by directing the 2<sup>nd</sup> respondent not to demolish the structures at Door No.34-4-9B, Mandelavari Veedhi, Devuni Thota, Palakollu, West Godavari District, pending disposal of the Writ Petition.**

**The apprehension of the petitioner is that House bearing No.34-4-9B of Palakollu Municipality is likely to be demolished pursuant to the endorsement Roc. No.989/2014/G1, dt.05.10.2020. The main contention of the petitioner is that he did not violate any building rules and that there is a discrepancy in the 1<sup>st</sup> notice and endorsement with regard to the door number of the building.**

**Whereas, Sri M.Manohar Reddy, Standing Counsel for Municipality contended that the endorsement was issued in pursuance of directions issued by this Court in W.P.**

No.45044 of 2018 dated 09.09.2020 and that the 2<sup>nd</sup> respondent is not demolishing the building today.

The petitioner though raised several contentions this Court is not inclined to advert at this stage as today is declared as public holiday on account of 'Eid-Milad-un-Nabi'.

On festival days demolition process shall not be undertaken by Municipality, according to the guidelines laid down in 3 ACES, *Hyderabad vs Municipal Corporation of Hyderabad*<sup>1</sup>, the Full Bench of High Court of Andhra Pradesh at Hyderabad laid down certain guidelines to undertake demolition process. The relevant guidelines are as follows:

- (i) *The demolition should not be resorted to during festival days declared by the State Government as public holidays excluding Sundays. If the festival day declared by the Government as a public holiday falls on a Sunday, on that Sunday also, the Corporation should not resort to demolition.*
- (ii) *In any case, there should not be any demolition after sun set and before sun rise.*
- (iii) *The Corporation should give notice of demolition as required by the statute fixing the date of demolition. Even on the said date, before actually resorting to the demolition, the Corporation should give reasonable time, depending upon the premises sought to be demolished, for the inmates to withdraw from the premises. If within the time given the inmates do not withdraw, the Corporation may proceed with actual demolition;*

These guidelines are laid down in view of the fact that the Corporation is a public authority and its action must be tested on a touchstone of fairness and reasonableness.

As discussed above, today happened to be a festival day on account of "Eid-Milad-un-Nabi" declared as public holiday, 2<sup>nd</sup> respondent shall not demolish the building in view of the guidelines referred above.

Applying the principle laid down in the judgment and today happened to be a festival day, on this ground alone, without touching other contentions, leaving it open to the parties to raise all contentions available in accordance with law, during hearing of interlocutory application before regular bench as per roaster and having considered facts and circumstances of the case including immediate threat of demolition and irreversible loss likely to be caused, in the event of demolition, 2<sup>nd</sup> respondent is directed not to demolish the House Bearing No.34-4-9B, Mandelavari Veedhi, Devuni Thota, Palakollu, West Godavari District, for a period of one week from today.

Post on 05.11.2020 before appropriate bench as per roaster."

//TRUE COPY//

ASSISTANT REGISTRAR  
  
for ASSISTANT REGISTRAR

To

1. The Principal Secretary, Municipal Administration & Urban Development Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District, Andhra Pradesh. (SPEED POST)

<sup>1</sup> 1994 (3) ALT 73

2. The Palakollu Municipality, Rep. by its Commissioner, Palakollu, West Godavari.  
(SPEED POST)
3. One CC to Sri Poliseti Radha krishna, Advocate [OPUC]
4. One CC to Sri M.Manohar Reddy, Advocate [OPUC]
5. Two CCs to GP for Municipal Administration & Urban Development, High Court Of  
Andhra Pradesh. [OUT]
6. One spare copy

MSR

# HIGH COURT

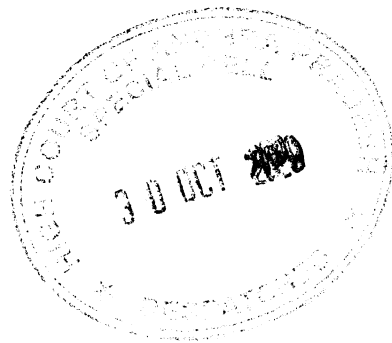
MSM.J

DATED: 30-10-2020

Note : Post on 05.11.2020 before appropriate bench as per roaster

ORDER

IA No. 1 of 2020  
IN  
W.P.No.20202 of 2020



INTERIM ORDER