

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
SATURDAY THE TWENTY SIXTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE A.V.S.S. SESA SAI

W.P.SR. NO. 3071 OF 2020

30711

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, Municipal Corporation,
3. The Deputy City Planner, Municipal Corporation, Municipal Corporation.

...Respondents.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, 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-A40A 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 DC 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 of CP C 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 not to demolish the structures in door No.18/100-A-37, 18/100-A-38, 18/100-A-39 and 18/100-A40A to 40G, of Sri. Venkatachalapathi Sharoff bazar, Kurnool, pending disposal of W.P.(SR). No. 30710 of 2020 on the file of High Court.

The Petition coming on for hearing upon perusing the petition and affidavit filed herein, and upon hearing the arguments of Sri. A. Venkatesh, Advocate for the Petitioner, Sri Suresh Kumar Reddy Kaluva Standing Counsel for Municipal Corporation for the Respondents, the Court made the following

ORDER:

Sri.Suresh Kumar Reddy Kaluva takes notice for Respondent Corporation.

It is submitted by Sri.A.Venkatesh, learned Counsel for the petitioner that the Municipal Corporation authorities did not properly consider the explanation offered by the petitioner. It is further submitted that the impugned action is contrary to the law laid down by Full Bench of the composite High Court in case of **3 Aces, Hyderabad Vs. Municipal Corporation of Hyderabad**. On the other hand, it is submitted by the learned Standing Counsel for the Municipal Corporation that the Corporation authorities are proceeding strictly in accordance with the provisions of Sections 452 and 636 of the Municipal Corporations Act. These issues require consideration.

Post on 29.12.2020.

Till then status-quo as on today with regard to the subject property shall be maintained.

Sri.Suresh Kumar Reddy Kaluva takes notice for Respondent Corporation.

It is submitted by Sri.A.Venkatesh, learned Counsel for the petitioner that the Municipal Corporation authorities did not properly consider the explanation offered by the petitioner. It is further submitted that the impugned action is contrary to the law laid down by Full Bench of the composite High Court in case of **3 Aces, Hyderabad Vs. Municipal Corporation of Hyderabad**. On the other hand, it is submitted by the learned Standing Counsel for the

Municipal Corporation that the Corporation authorities are proceeding strictly in accordance with the provisions of Sections 452 and 636 of the Municipal Corporations Act. These issues require consideration.

Post on 29.12.2020.

Till then status-quo as on today with regard to the subject property shall be maintained.

ASSISTANT REGISTRAR

//TRUE COPY//

S. Srinivasan Prasad
FOR ASSISTANT REGISTRAR 26/12/20

To

1. The Principal Secretary, Municipal Administration and Urban Department, State of A.P., Velagapudi, Guntur District.
2. The Commissioner, Kurnool Municipal Corporation, Kurnool District
3. The Deputy City Planner, Municipal Corporation, Kurnool, Kurnool District **(Addressee Nos 1 to 3 by RPAD)**
4. One CC to Sri A. Venkatesh, Advocate (OPUC)
5. One CC to Sri Suresh Kumar Reddy Kaluva, Standing counsel (OPUC)
6. One spare copy

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HIGH COURT

AVSS,J

DATE: 26-12-2020

ORDER

30711
WP. (SR). No. 30710 of 2020

STATUS QUO