

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

(SPECIAL ORIGINAL JURISDICTION)

SATURDAY, THE EIGHTH DAY OF MAY, TWO THOUSAND AND TWENTY ONE

:PRESENT:

**THE HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO**  
WRIT PETITION(SR) No. 13766 of 2021

Between :-

Dasari Ramanayudu, S/o. Dasari Bajaranna, aged about 48 years,  
Occ : Business, R/o. H.No. 76/111-4-1B-1, Geetha Nagar, Kurnool City, A.P-518004.  
....Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,  
Municipal Administration Department, Secretariat Buildings,  
Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
2. The Commissioner, Municipal Corporation of Kurnool,  
Kurnool Town, Kurnool District.

....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 an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of 2<sup>nd</sup> respondent in issuing the conformation order dated 26.04.2021 in Notice No. 810/1016/KNL/UC/2021 dated 19.03.2021 and Confirmation order dated 26.04.2021 in notice No.815/1016/KNL/UC/2021 dated 20.03.2021 is bad, arbitrary, illegal in violation of natural justice against the article 14 and 300 A of Constitution of India and consequently set aside the conformation order dated 26.4.2021 in Notice No.810/1016/KNL/UC/2021 dated 19.03.2021 and Confirmation order dated 26.04.2021 in notice No.815/1016/KNL/UC/2021 dated 20.03.2021 issued by the 2<sup>nd</sup> respondent.

**I.A.No. 1 of 2021 :-**

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 stay of al further proceedings pursuant to the action of the respondents in issuing the confirmation order dated 20.04.2021 in Notice. 810/1016/KNL/UC/2021 and Confirmation order dated 20.03.2021 NO. 815/1016/KNL/UC/2021 issued by the 2<sup>nd</sup> respondent, pending disposal of W.P.(SR) No. 13766 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 upon hearing the arguments of Sri V. Venkateswarlu, Advocate for the Petitioner and of the Govt. Pleader for Municipal Administration and Urban Development on behalf of respondent No. 1 and of Sri Suresh Kumar Reddy Kalava, Sanding Counsel for respondent No.2, the Court made the following

**ORDER :-**

“Learned Government Pleader for Municipal Administration & Urban Development for 1<sup>st</sup> respondent, and Sri Suresh Kumar Reddy Kalava, Standing Counsel for 2<sup>nd</sup> respondent took notices.

Contd..2...



While impugning the notices, learned counsel for the petitioner would submit that way back in the year 2017 the petitioner applied for plan approval for construction of the building and completed the construction also and the building was assessed to municipal tax in the year 2019 and since then he has been paying the tax. He would further submit that the plan was obtained for construction of two residential houses. However, in view of the lack of a function hall in the vicinity, in the interest of public, petitioner converted two buildings into one function hall and has been organizing the functions without causing any inconvenience to the public in the vicinity. Having kept silent for all these five years, all of a sudden, 2<sup>nd</sup> respondent authorities have issued notices and passed order as if the petitioner had deviated the plan and constructed the function hall. Learned counsel would further submit that in the reply notice dated 25.03.2021 petitioner explained all these facts but the 2<sup>nd</sup> respondent authorities are now embarking to demolish the building unjustly.

In oppugnation, learned standing counsel Sri Suresh Kumar Reddy Kalava, would submit that the petitioner, having applied for permission to construct two separate residential buildings, constructed a function hall in total deviation of the approved plan and now organizing the functions in the said function hall. In the notice dated 19.03.2021, the deviations are clearly mentioned. However, the explanation submitted by the petitioner has not met any of the deviations pointed out by the 2<sup>nd</sup> respondent. He thus submitted that the proposed demolition is within the parameters of the concerned Law and Rules. Learned standing counsel would submit that so far the demolition has not been taken up. He would further submit that if the petitioner is permitted to run the function hall, it may cause danger to the public as no setbacks are left and in case of any fire accident it will be difficult to save the lives. So also, the petitioner has not left any parking space and therefore the visitors to the function hall have to park their vehicles on the road much to the chagrin of the residents in that locality.

Heard.

It is seen that the petitioner has not produced along with material papers, the plans submitted for approval and the permission issued by the 2<sup>nd</sup> respondent authority today for appreciation and to know whether the deviations as mentioned in the notice dated 19.03.2021 are made or not. Admittedly, as on today, the demolition has not been taken up. Therefore, it is considered apposite to invite regular counter of the respondents and to hear the parties.

In the meanwhile, in view of the apprehension of the learned standing counsel for the 2<sup>nd</sup> respondent that if the function hall is allowed to be used, it may pose danger to the visitors as well as to the residents in that area, the petitioner is directed not to put in use the function hall viz., Venkata Naidu function hall, Kurnool, until further orders.

The Superintendent of Police, Kurnool, shall take expeditious steps to lock the function hall, in the presence of the petitioner, and keep the keys with his (Superintendent of Police, Kurnool) custody, until further orders and report compliance to Registrar Judicial.

Contd...3....

The respondents shall file their regular counter with necessary material by 17.06.2021.

Till then, the respondents shall not undertake any demolition exercise pursuant to the impugned proceedings.”

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ASSISTANT REGISTRAR

*P. Srinivas Rao*  
for ASSISTANT REGISTRAR

To

- 1.The Principal Secretary, Municipal Administration Department,  
State of Andhra Pradesh, Secretariat Buildings,  
Secretariat, Velagapudi, Guntur District, Andhra Pradesh.
- 2.The Commissioner, Municipal Corporation of Kurnool,  
Kurnool Town, Kurnool District.  
(Addressee Nos. 1 and 2 by RPAD)
- 3.The Superintendent of Police, Kurnool. (By Speed Post)
- 4.The Registrar (Judicial), High Court of A.P., at Amravati.
- 5.Two CCs to the G.P. for Municipal Administration, High Court of A.P., at  
Amaravati(OUT)
- 6.One CC to Sri V. Venkateswarlu, Advocate(OPUC)
- 7.One CC to Sri Suresh Kumar Reddy Kalava, Standing Counsel(OPUC)
- 8.One spare copy.

TKK

# HIGH COURT

UDPR.J

DT.08-05-2021.

NOTICE BEFORE ADMISSION

W.P(SR).No. 13766 of 2021.

DIRECTION