

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

THURSDAY, THE FIFTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE K SURESH REDDY
WRIT PETITION NO: 574 OF 2023**



Between:

1. Gujju Vijaya Kumari, W/o Sanjeeva Reddy, aged. 60 yrs, R/o D.No.8-61-8/1, Vidyanagar Colony, OLD CBI 14 Lane, Visakhapatnam, Visakhapatnam District.
2. Busa Suryakantham, W/o Late Sriramulu, aged. 80 yrs, R/o Flat No. G-3, Sri Vasta Residency, 39-18-85/1, Madhavadhara, Visakhapatnam, Visakhapatnam District.
3. Maddela Nirmala, W/o Late Rajulu, Age. 50 yrs, R/o D.No.9-9-43/5/1, Managapuram Colony, Visakhapatnam, Visakhapatnam District.

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Visakhapatnam District.
3. The Andhra University, Rep. by its Registrar, Visakhapatnam

Respondents

WHEREAS the Petitioners above named through their Advocate Sri K JYOTHI PRASAD 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 may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring highhanded and illegal action on the part of the respondents particularly the 3rd respondent in entering into the petitioners' land situated in an extent of 40 Sq.Yds and 120 Sq. Yds respectively situated in TS No.54/1 and 2, Block No.5, of Walter Ward No. II, Near Polamba Temple Area, Peda Walter, Visakhapatnam along with their men and police force and in demolishing the structures existing there in with the help of JCB Proclainer during midnight and in construction of compound wall around the property and in laying road etc., in it without issuing any notice and without following due process of law, as illegal, arbitrary, unjust, malafide and against the principles of Natural Justice besides violation of Article 14, 21 and 300-A of Constitution of India and to consequently direct the respondents not to interfere with the possession and enjoyment of the petitioners in respect of the subject properties in any manner

including demolition of the existing structures and not to make any constructions in it, in the interest of justice

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri K JYOTHI PRASAD Advocate for the Petitioner, GP for Municipal Administration for the respondent No.1, Sri S.Lakshmi Narayana Reddy, advocate for the respondent no.2 and Sri V.Sai Kumar, advocate, for the respondent no.3, 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, Department of Municipal Administration and Urban Development, Secretariat, Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh
2. The Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Visakhapatnam District.
3. The Registrar, Andhra University, Visakhapatnam

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

IA NO: 1 OF 2023

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 may be pleased to direct the respondents not interfere with the possession and enjoyment of the petitioners' land situated in an extent of 40 Sq.Yds and 120 Sq. Yds respectively situated in TS No.54/1 and 2, BlockNo.5, of Walter Ward No. II, Near Polamba Temple Area, Peda Walter, Visakhapatnam, in any mariner and not to make any further constructions in it, during the pendency of the writ petition in the interest of justice, pending disposal of WP No. 574 of 2023, on the file of the High Court.

The Court made the following

ORDER:

"Notice before admission.

The learned Government Pleader for Municipal Administration takes notice for Respondent No.1, Sri S. Lakshmi Narayana Reddy takes notice for Respondent No.2 and Sri V. Sai Kumar takes notice for Respondent No.3 and seeks time two(2) weeks to file their counters.

The learned counsel for the petitioner submitted that earlier this Court passed interim orders on 24.11.2022 in W.P.No. 36414 of 2022 and requested this Court to pass similar order.

The learned Standing Counsel appearing for respondent No.3 did not dispute the factum of interim orders passed by this Court on 24.11.2022 in W.P.No. 36414 of 2022.

The learned Standing Counsel appearing for respondent No. 3 states that the 3rd respondent has already constructed a compound wall.

In that view of the matter, respondent No.3 is directed not to proceed with further construction in the subject land till the next date of hearing.

Post along with W.P.No. 36414 of 2022."

Sd/- N. NAGAMMA

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Department of Municipal Administration and Urban Development, Secretariat, Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh
2. The Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Visakhapatnam District.
3. The Registrar, Andhra University, Visakhapatnam (by RPAD- along with a copy of petition and affidavit)
4. One CC to SRI. K JYOTHI PRASAD Advocate [OPUC]
5. Two CCs to GP FOR MUNICIPAL ADMN URBAN DEV ,High Court Of Andhra Pradesh. [OUT]
6. One CC to SRI. S. Lakshmi Narayana Reddy, Advocate [OPUC]
7. One CC to SRI. V. Sai Kumar, Advocate [OPUC]
8. One spare copy

CVSS

HIGH COURT

KSRJ

DATED:05/01/2023

NOTE: POST ALONG WITH W.P.NO.36414 OF 2022

NOTICE BEFORE ADMISSION

WP.No.574 of 2023

DIRECTION

