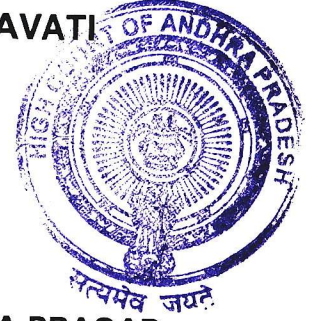


**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**TUESDAY, THE TWENTIETH DAY OF JANUARY,
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 803 OF 2026**



Between:

1. Lingamsetty Venkateswara Rao, S/o. Eswar Rao, aged about 42 years, R/o.D.No.16-1-130, Kummari Bazar, Old Guntur, Guntur, Guntur District, Andhra Pradesh 522 001.(Shop No.3200051)
2. Anchuri Venkata Reddy, S/o. Rami Reddy, aged about 26 years, R/o. D.No.2-93, Reddypalem, Pedakakani, Guntur, Andhra Pradesh 522509. (Shop No.3200037)
3. Shaik Rabbani, S/o. Riyaz Basha, aged about 22 years, R/o. D.No. 22-9-80, Allam Khan Street, Lalapet, Fruit Market, Guntur, Guntur District, Andhra Pradesh 522 003.(Shop No.320008A).
4. Baddeti Praveen Kumar, S/o. David, aged about 30 years, R/o. D.No. 7-6-846/171, 9th lane, Rajiv Gandhi Nagar, Guntur, Andhra Pradesh 522 002. (Shop No.3200040(ST))
5. Banavath Bhargava Ram Naik, S/o. Raja Naik, aged about 27 years, R/o.D.No.12-27-36, Seelamvari Veedhi, Kothapet, Guntur, Guntur District, Andhra Pradesh 522 001. (Shop No.320024A (ST))
6. Parasa Koteswara Rao, S/o. Sundara Rao, aged about 54 years, R/o. D.No.5-55-47, 21st Cross Road, 4th Lane, Achaiah Bomma Centre Brodipet, Guntur, Guntur District, Andhra Pradesh 522 002. (Shop No.3200060(ST))
7. Putta Durga Prasad, S/o. Anjaneyulu, aged about 51 years, R/o.D.No. 8-22-47/1, 2nd Lane, Seetharama Nagar, Kothapet, Guntur, Guntur District, Andhra Pradesh 522 001.(Shop No.3200048)

8. Kanaparthi Prasanth Raju, S/o. Sudarshana Rao, aged about 41 years, R/o.D.No.5-62, Budampadu, Guntur, Guntur District, Andhra Pradesh 522 017. (Shop No.3200012(SC))

...Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District - 522238.
2. Guntur Municipal Corporation, Rep. by the Commissioner, Kothapet, Opp: Gandhi Park, Guntur City, Guntur District, Andhra Pradesh - 522201.
3. The Additional Commissioner, Guntur Municipal Corporation, Kothapet, Opp: Gandhi Park, Guntur City, Guntur District, Andhra Pradesh 522201.
4. Sri Lakshmi Narasimha Vegetable Wholesale Market, Varthakula Sankshema Sangham, Guntur, Rep. by its President Yarramsetty Satyanarayana, R/o. Flat No.502, Sri Lakshmi Bheemineni Apartment, 1st Lane, Rajendra Nagar, Guntur City, Guntur District, Andhra Pradesh- 522006.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.2 in cancelling our shops through proceedings ROC NO.799485/2024/A2-I dated 27.12.2025, which is received on 01/02.01.2026, and consequential notification dated 29.12.2025, for eight (08) shops of the petitioners in Kolli Sarada Wholesale Vegetable Market, fixing the date of auction as 06.01.2026, despite declaring us as highest bidders in earlier auction that was held on 18.08.2025 to 20.08.2025 and allowing the 4th respondent and others to run a rival open private market in an extent of Ac.3.00 Cents approximately, situated

at Door No. 19-15-95/1 and in Sy.No.1234/A1 of Guntur Municipal Corporation limits, near Aditya Hospital, Beside NH-16, Guntur, without obtaining permission from it as required under Sections 529-532 of the Greater Hyderabad Municipal Corporation Act, 1955, adopted by the State of Andhra Pradesh, thereby disabling us from paying the amounts demanded for being illegal, arbitrary, violative of provisions of the Andhra Pradesh Municipal Corporation Act, 1994, devoid of principles of natural justice and unconstitutional and consequently set aside the cancellation order through proceedings ROC No.799485/2024/A2-I dated 27.12.2025, which is received on 01/02.01.2026 and direct the respondent No.2 not to insist for the payment of good will amount till closing of illegal private market.

IA NO: 1 OF 2026

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to notification dated 29.12.2025 of 2nd respondent, fixing auction to be held on 06.01.2026 for eight (08) shops of the petitioners in Kolli Sarada Wholesale Vegetable Market, pending disposal of WP 803 of 2026, on the file of the High Court.

IA NO: 2 OF 2026

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the cancellation order through proceedings ROC NO.799485/2024/A2-I dated 27.12.2025, which is received on 01/02.01.2026, pending disposal of WP 803 of 2026, 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 Srinivasa Rao B, learned Counsel appearing on behalf of Sri Vinod Kumar Pemmasani, Advocate for the Petitioners and of GP MUNICIPAL ADMN AND URBAN DEV for Respondent No.1 and of Sri Vijay Kumar S, learned Consel

representing Sri A.S.C.Bose, Standing Counsel for Respondent Nos. 2 and 3, the Court made the following

ORDER:

“Heard Sri Srinivasa Rao B, learned Counsel appearing on behalf of Sri Vinod Kumar Pemmasani, learned Counsel for the Writ Petitioners, Sri M. Srinu Babu, learned Assistant Government Pleader for Municipal Administration and Urban Development and Sri Vijay Kumar S, learned Counsel representing Sri A.S.C.Bose, learned Standing Counsel for Guntur Municipal Corporation.

2. Learned Counsel for the Writ Petitioners has drawn the attention of this Court to the Open Public Auction Notice dated 02.08.2025 (Ex.P.3), in which the Petitioners have participated. Learned Counsel for the Writ Petitioners would submit that the condition for payment of 12 months' rent as goodwill has not been mentioned in the said Open Public Auction Notice. He would submit that the Petitioners are the successful bidders and the Respondents have imposed the condition of payment of 12 months' rent as goodwill which was not mentioned in the Auction Notice. He would submit that because of the nonpayment of the 12 months' rent as goodwill by the Petitioners, the Respondents have conducted another Auction that was held on 06.01.2026.

3. Learned Counsel for the Writ Petitioners would submit that the Petitioners have no objection in paying monthly rentals in terms of the conditions set out in the Open Public Auction Notice dated 02.08 2025, whereas it becomes burdensome on the part of the Petitioners to pay 12 months' rent in advance as goodwill.

4. Having considered the above conditions, this Court is of the opinion that the balance of convenience is in favour of the Writ Petitioners. Accordingly, the Auction held on 06.01.2026 shall be suspended till the next listing. There shall be a further direction to the Respondents not to cause any interference with the conduct of the business of the Writ Petitioners till the next listing.

5. It is indicated that the Writ Petitioners shall not cause any default in the deposit of monthly rentals.

6. Let Counter Affidavit be filed within two weeks. One week thereafter for filing Re-joinder, if any.

7. Registry is directed to print the name of Sri A.S.C. Bose as learned Standing Counsel for Guntur Municipal Corporation in the Cause-list.

8. List on 17.02.2026."

SD/- K.TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District - 522238.
2. The Commissioner, Guntur Municipal Corporation, Kothapet, Opp: Gandhi Park, Guntur City, Guntur District, Andhra Pradesh -522201.
3. The Additional Commissioner, Guntur Municipal Corporation, Kothapet, Opp: Gandhi Park, Guntur City, Guntur District, Andhra Pradesh 522201.
4. Sri Lakshmi Narasimha Vegetable Wholesale Market, Varthakula Sankshema Sangham, Guntur, Rep. by its President Yarramsetty Satyanarayana, R/o. Flat No.502, Sri Lakshmi Bheemineni Apartment, 1st Lane, Rajendra Nagar, Guntur City, Guntur District, Andhra Pradesh- 522006.(Addressee Nos. 1 to 4 by RPAD)
5. One CC to Sri Vinod Kumar Pemmasani, Advocate [OPUC]
6. One CC to Sri A.S.C.Bose, Standing Counsel [OPUC]
7. Two CCs to GP MUNICIPAL ADMN AND URBAN DEV AP, High Court of Andhra Pradesh. [OUT]
8. One spare copy.

HIGH COURT

GRKP,J

DATE:20/01/2026

NOTE: LIST ON 17.02.2026

ORDER

WP.No.803 of 2026

DIRECTION

