

APHC010011882026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3328]

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION Nos: 803 & 6866 of 2026

W.P.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, F/O. D.NO.2-93, REDDYPALEM, PEDAKAKANI, GUNTUR, ANDHRA PRADESH 522 509. (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 (S
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, ACHIAH 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.KANAPARTHY 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))

...PETITIONER(S)

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.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.VINOD KUMAR PEMMASANI

Counsel for the Respondent(S):

1.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

2.NARASIMHA RAO GUDISEVA

3.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

W.P.No.6866 of 2026:

Between:

- 1.JAMMULA SRIKANTH, S/O. SUBBARAO, AGED ABOUT 32 YEARS, R/O. D.NO.4-28/1, MALLAVARAM, GUNTUR, GUNTUR DISTRICT, ANDHRA PRADESH - 522 005. (SHOP NO.3200054).
- 2.KAKUMANU PUNNARAO,, S/O. YOBU, AGED ABOUT 55 YEARS, R/O. D.NO.4-8-410/3, ARUNDATI NAGAR, AMARAVATI ROAD, CHANDRAMOULI NAGAR, GUNTUR, ANDHRA PRADESH - 522 007. (SHOP NO.3200053 (SC)) 3.
- 3.PONDURI VIJAY KUMAR,, S/O. VENKATA RAO, AGED ABOUT 49 YEARS, R/O. D.NO.2-22-25, DEVINENI VENKATAIAH STREET, NANDULAPET, TENALI, GUNTUR, ANDHRA PRADESH - 522 201. (SHOP NO.3200015) KILARI SUDHAKAR, S/O. SAMBAIAH, AGED ABOUT 43 YEARS, R/O. D.NO.4-42, BURRIPALEM, TENALI, GUNTUR DISTRICT, ANDHRA PRADESH - 522 301. (SHOP NO.3200023 (PHC))
- 4.KILARI SUDHAKAR,, S/O. SAMBAIAH, AGED ABOUT 43 YEARS, R/O. D.NO.4-42, BURRIPALEM, TENALI, GUNTUR DISTRICT, ANDHRA PRADESH - 522 301. (SHOP NO.3200023 (PHC))
- 5.DEVARAPALLI RATNA RAJU,, S/O. DANIEL, AGED ABOUT 46 YEARS, R/O. D.NO.18-26-23, PENDYALAVARI STREET, NEAR DR. B.R. AMBEDKAR STATUE, ARUNDALPET, KOTHAPET(POST), GUNTUR, GUNTUR DISTRICT, ANDHRA PRADESH 522 001. (SHOP NO. 3200036(SC))
- 6.SHAIK MUSTAK AHMAD,, S/O. MAHABOOB SUBHANI, AGED ABOUT 40 YEARS, R/O. D.NO.18-13-35/A, SYEDKHAN STREET, NEAR JENDA CHETTU, CHINNA BAZZAR GUNTUR, GUNTUR DISTRICT, ANDHRA PRADESH - 522 003. (SHOP NO.3200044).
- 7.INAVOLU SIVAYYA,, S/O. VENKAYYA, AGED ABOUT 48 YEARS, R/O. FLAT NO. 501, SITARAMA RESIDENCY, LANE, PRAKASH NAGAR, OP TEACHERS COLONY, GORANTIA, GUNTUR, GUNTUR DISTRICT, ANDHRA PRADESH - 500034. (SHOP NO. 3200057)

...PETITIONER(S)

AND

1. THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION URBAN DEVELOPMENT DEPARTMENT,

SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522238.

2. GUNTUR MUNICIPAL CORPORATION, REP. BY THE COMMISSIONER, KOTHAPET, OPPGANDHI PARK, GUNTUR CITY, GUNTUR DISTRICT, ANDHRA PRADESH-522001.

3. THE ADDITIONAL COMMISSIONER, GUNTUR MUNICIPAL CORPORATION, KOTHAPET, OPP GANDHI PARK, GUNTUR CITY GUNTUR DISTRICT, ANDHRA PRADESH-522001.

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.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. VINOD KUMAR PEMMASANI

Counsel for the Respondent(S):

1. GP MUNICIPAL ADMN AND URBAN DEV AP

ORAL COMMON ORDER:

Heard Sri Vinod Kumar Pemmasani, learned Counsel for the Writ Petitioners, Sri S. Vijay Kumar, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Guntur Municipal Corporation and Sri Narasimha Rao Gudiseva, learned Counsel for the Respondent No.4.

2. These two Writ Petitions are filed by the successful bidders on the ground that the condition with regard to payment of goodwill which is equal to the lease of 12 months was never informed to the bidders at the time of Notification. During the course of hearing, after having noticed that the Open Auction Notice dated 02.08.2025 bearing Rc.No.799485/2024/A2-I, had in fact contained the condition that the successful bidders are required to pay non-refundable goodwill amount equal to 12 months of lease amount within seven days from the date of declaration, this Court had shown indulgence by

granting liberty to the Petitioners to adjust the non-refundable goodwill amount on a monthly basis for 12 months. In this regard, the Writ Petitioners were asked to file Affidavits. They have filed the Sworn Affidavits on Rs.100/- Non-Judicial Stamp Paper, duly notarized. These Affidavits are taken on record. The relevant portion of the Affidavit filed by the Writ Petitioners in W.P.No.6866 of 2026 is usefully extracted hereunder:

“We, the Writ Petitioners in W.P.No.6866 of 2026, hereby undertake to pay the Non-Refundable goodwill amount i.e. 12 months of rental amount in respect of the Municipal Market Shops allotted to us in 12 monthly installments along with the regular monthly rental amounts in respect of our respective shops mentioned in the Writ Petition. In the event of our succeeding in the main Writ Petition, the said goodwill amounts shall be adjusted towards the future rents.

Therefore, this Hon'ble High Court may be pleased to direct the Commissioner, Guntur Municipal Corporation, to permit us to run our business in the shops allotted to us by receiving the monthly rent along with the proportionate portion of the goodwill amount.”

3. Similar Affidavit was also filed by the Writ Petitioners in W.P.No.803 of 2026. Having considered the facts, Sri S. Vijay Kumar, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Guntur Municipal Corporation, on instructions, submits that the Corporation has no objection for the same, provided that the Petitioners would deposit the goodwill amount on a monthly basis for 12 months without any default.

4. Having recorded the same, this Court deems it appropriate to dispose of these Writ Petitions with a direction to the Writ Petitioners to pay the non-refundable goodwill amount on a monthly basis for a period of 12 months without any default. Respondent Corporation is directed to accept the same. In the event of any default, the Respondent Corporation is at liberty to proceed against such defaulter in accordance with law and in accordance with the terms and conditions of the Tender Notification.

5. With these observations and directions, these Writ Petitions stand disposed of. No order as to costs.

6. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt:21.04.2026

Vns