

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No.: W.P.No.5354 of 2026

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
03	16.03.2026	<p data-bbox="472 539 612 573"><u>GRKP, J</u></p> <p data-bbox="472 618 1257 1010">Heard Sri Dr. M.V. Raja Raam, Ld. Counsel appearing on behalf of M/s. Corpus Juris Law Panel, for the Writ Petitioner (appearing through online), Sri Goli G.V.S. Sai, Ld. Counsel appearing on behalf of Sri S.V.S.S. Siva Ram, Ld. Standing Counsel for the Vijayawada Municipal Corporation (Respondent No.4).</p> <p data-bbox="472 1077 1257 1939">2. This Court has sifted through the Order of this Court dated 24.02.2026. This Court still recollects the submissions made by the Ld. Counsel for the Writ Petitioner on 24.02.2026 to the effect that the number of shops were originally restricted to 35 only. Submissions made by the Standing Counsel, which were based on the Instructions furnished by the Commissioner to the effect that additional shops over and above 35 would be a potential safety hazard to the visitors of the shops inasmuch as Fire-fighters and Fire-Engines would not be able to go through during the time of emergency. Taking these submissions of the Ld. Standing Counsel, this Court had passed various directions including the restriction on the number</p>	

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		<p>of shops only up to 35 and not to permit anymore over and above 35 and a direction was also given to clear/evict the excess of shops over and above 35 in number within 24 hours from the date of the Order (Para-8 of the Order dated 24.02.2026). Since it was stated that the establishment of the additional shops would not be permitted by the Respondents, in Para-10 of the Order it was recorded that the shops over and above 35, if they would illegally continue, the Electricity Department shall snap the Electricity Connection.</p> <p>3. Ld. Counsel for the Writ Petitioner, during the course of the submissions today, has submitted that the Respondents did not comply with any of the directions of this Court inasmuch as the same number of shops which were in excess of 35 were made to continue and no effort was made by the Respondents to evict them. He would also submit that despite detailed directions of this Court that in the event that the unauthorized shops are not voluntarily vacated within 24 hours, the Corporation was directed to forcefully clear the shops within 12 hours thereafter. Ld. Counsel for the Writ Petitioner would submit that even this direction has been given a complete 'go-by' by the Commissioner.</p>	

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		<p>This would clearly indicate that even the direction to conduct mock fire-drill every day, would not have been performed due to lack of space by the Respondents and because of the presence of illegal shops of the opposite side. Ld. Counsel for the Writ Petitioner also would submit, on instruction, that mock fire-drill has never been done at all.</p> <p>4. In order to get the information at the ground level on an expeditious basis, during the hearing, this Court had decided to appoint and depute an Advocate Commissioner to personally see/inspect the situation 'on the ground' and report to the Court. Sri N. Rupeswar Reddy, Ld. Counsel, who is personally present in the Court, on the request of the Court, had voluntarily agreed to suspend his balance work for the day and immediately perform the task that would be assigned to him. In this process, Sri Ajay Kumar, Ld. Asst. Government Pleader for Home was immediately called to the Court and this Court directed him to inform to the local Station House Officer to provide complete police protection to the Ld. Advocate Commissioner for the purpose of implementing the assigned task. This decision was taken because of the submission of the</p>	

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		<p>Counsel for the Respondent that the Corporation has expressed its inability to evict the excess shop-keepers because of the fear of aggression from the occupiers.</p> <p>5. Sri N. Rupeswar Reddy, Ld. Advocate Commissioner has personally inspected the site and submitted the Report along with certain Photographs to the Court, post lunch. On perusal of the Report, it transpires that 47 shops, in total, are situated in the said premises and out of them 35 shops appeared to be ones' which are permitted officially whereas, the remaining 12 shops are unauthorized/ encroachments. It is also stated that some of the encroachments are in the form of four wheeler stalls which have been permitted by the Respondent Corporation and that no reasonable gap or space is maintained between each shop or stall for placing fire equipment etc.,</p> <p>6. This Court has also perused the Photographs. Prima facie, the Photographs would indicate that the Respondent Corporation has permitted these shops in an indiscriminate manner by giving a complete 'go-by' to the directions of this Court. In view of these facts, this Court is of</p>	

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		<p>the opinion that the Commissioner, Vijayawada Municipal Corporation, by his inactions, due to fear of violence/aggression has endangered the safety of the shop keepers as well as visitors by violating the various directions of this Court. This Court is rather appalled to hear the version of the Corporation that it is unable to evict 12 excess shops due to the fear of violence/aggression from the illegal occupiers of these 12 shops. Therefore, the Commissioner, Vijayawada Municipal Corporation is directed to appear before this Court physically on 17.03.2026 to answer the queries of the Court.</p> <p>7. List on 17.03.2026 in the Motion List.</p> <p>8. This Court places its appreciation insofar as the able work done by Sri N. Rupeswar Reddy, Ld. Advocate Commissioner in a short span of time.</p> <p>9. The Commissioner, Vijayawada Municipal Corporation is directed to pay honorarium of a sum of Rs.25,000/- to Sri N. Rupeswar Reddy, Ld. Advocate Commissioner for the services rendered by him <i>pro bono publico</i>. Let the same be paid to him within one week from today by any convenient mode from the fund of</p>	

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		<p>the Corporation.</p> <p>10. Sri S.V.S.S. Siva Ram, Ld. Standing Counsel for the Vijayawada Municipal Corporation is directed to convey the gist of this Order to the Commissioner forthwith, for effective compliance.</p> <p style="text-align: right;"><u>GRKP, J</u></p> <p>Note: Issue CC today B/o. Mnr</p>	