



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

TUESDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
WRIT PETITION NO: 5643 OF 2023**

Between:

Pathan Habibulla Khan, S/o Noor Khan, Aged about 64 years, Occ. Business,
Resident of D.No.2-3-3, Market Street, 4th Ward, Ponnur town and Mandal, Guntur
District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Dept., Secretariat, Velagapudi, Amaravathi.
2. The District Collector, Guntur District at Guntur.
3. The Ponnur Municipality, Rep. by its Commissioner, Ponnur, Guntur District.
4. The Tahsildar, Ponnur Mandal, Guntur District.
5. The Chairman, A.P. State Wald' Board, 4th Floor, Imdadghar Building, Kaleswara Rao Market, Tarapet, Vijayawada, NTR District.
6. Sri Shaik Mohammad @ Mamu, President, Ponnur Anjuman-E-Eslamia Welfare Society, Beside Abdul Kalam Shadi Khana, 4th Ward, Ponnur Municipality, Guntur District.
7. Sri Kilari Venkata Rosaiah, Member of Legislative Assembly, Ponnur Assembly Constituency, Ponnur, Guntur District.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri VUTUPALLI RAJANNA 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 to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 3 to 5 in allowing the 6th respondent to make construction of shopping complex in an extent of Ac.0.05 cents out of Ac.1.65 cents, situated in Sy.No.396/1, Ponnur Municipality and Mandal, Guntur District with the support of the 7th respondent pending disposal of the representations dt. 02-01-2023 requesting not to grant any permission for construction of shopping complex in the Burial Ground of Muslim Community is illegal, arbitrary and unconstitutional and violation of principles of natural justice and consequently direct the respondents 2 to 5 not to permit the 6th respondent for construction of shopping complex in burial ground .

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri VUTUPALLI RAJANNA Advocate for the Petitioner and of GP for Municipal Administration and Urban Development FOR Respondent No.1, , GP FOR REVENUE for Respondent Nos. 2 and 4, Sri M Manohar Reddy, Standing Counsel for Respondent No.3, Sri S. Arifulla, Standing Counsel for Respondent No.5, directed issue of notice to the Respondent Nos. 6 and 7 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. Sri Shaik Mohammad @ Mamu, President, Ponnur Anjuman-E-Eslamia Welfare Society, Beside Abdul Kalam Shadi Khana, 4th Ward, Ponnur Municipality, Guntur District.
2. Sri Kilari Venkata Rosaiah, Member of Legislative Assembly, Ponnur Assembly Constituency, Ponnur, Guntur District.

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 within three weeks.

The Court made the following: ORDER

“Learned Assistant Government Pleader for Municipal Administration & Urban Development takes notice for respondent No.1.

Learned Government Pleader for Revenue takes notice for respondent Nos.2 and 4.

Sri M. Manohar Reddy, learned Standing Counsel takes notice for respondent No.3 and requests time to obtain instructions.

Print the name of Sri M. Manohar Reddy, learned Standing Counsel for respondent No.3.

Print the name of Sri S. Arifulla, learned Standing Counsel for respondent No.5 – A.P. State Wakf Board.

Issue notice to respondent Nos.6 and 7.

Learned counsel for the petitioner is permitted to take out personal notice to respondent Nos.6 and 7 by registered post with acknowledgment due and file proof of service in the Registry.

List the matter after three (3) weeks."

Sd/- M. PADMALATHA
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. Sri Shaik Mohammad @ Mamu, President, Ponnur Anjuman-E-Eslamia Welfare Society, Beside Abdul Kalam Shadi Khana, 4th Ward, Ponnur Municipality, Guntur District.
2. Sri Kilari Venkata Rosaiah, Member of Legislative Assembly, Ponnur Assembly Constituency, Ponnur, Guntur District.(Addressess 1 to 2 by RPAD- along with a copy of petition and affidavit)
3. One CC to SRI. VUTUPALLI RAJANNA Advocate [OPUC]
4. Two CCs to GP FOR MUNICIPAL ADMN URBAN DEV ,High Court Of Andhra Pradesh. [OUT]
5. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh. [OUT]
6. One CC to SRI. M MANOHAR REDDY , Standing Counsel [OPUC]
7. One CC to SRI. S ARIFULLA, Standing Counsel [OPUC]
8. One spare copy.

psk

HIGH COURT

CMRJ

DATED:07/03/2023

LIST AFTER THREE WEEKS

NOTICE BEFORE ADMISSION

WP.No.5643 of 2023

