

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION NO: 11583 OF 2022

Between:

Koduri Suresh Babu, S/o. K Venkateswara Rao, Aged about 58 years, Occ. Diet Contractor, R/o. H.No.5-108, J P N Nagar, Miyapur, Hyderabad - 500049.

Petitioner**AND**

1. The State of Andhra Pradesh, Rep. by it's Principal Secretary, Health, Medical and Family Welfare Department A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Diet Management Committee, Rep. by it's Chairman / Joint Collector, O/o. The District Collector's Office, Visakhapatnam.
3. The Superintendent, Government Hospital for Mental Care, Visakhapatnam.
4. D. Ramachandra Gopala Raju, S/o. Late D. Appala Narasimha Raju, Aged about 45 Years, Occ. Diet Contractor, R/o. D.No.15-11-6/4, Krishna Nagar, Simhadri Hospital Backside, Maharani Peta, Visakhapatnam.
5. Yarlagadda Nagarjun, S/o. Y. Koteswara Rao, Aged 34 years, Occ. Diet Contractor, R/o. Flat No.402, Krishna Estates, 7th Cross, Srinivas Nagar, Bank Colony, Vijayawada.

Respondents

WHEREAS the Petitioner above named through his Advocate SRI.K.M.KRISHNA REDDY presented this 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 a Writ, order or Direction more particularly one in the nature of Writ of Mandamus declaring.

- i. the action of the 3rd respondent in finalization of diet tender for supply of diet to the in-patient and duty doctors and tribal attendance of Govt. Hospital for Mental Care, Visakhapatnam vide R.C.No.87/G1/2022, dated 23.03.2022 in favour of the 5th respondent in violation of G.O.Ms.No.325, Health, Medical and Family Welfare (M1) Department, dated 01.11.2021,
- ii. the action of the 2nd and 3rd respondents in not awarding the diet contract in favour of the petitioner for supply of diet to the 3rd respondent hospital as being illegal, arbitrary, unconstitutional and violation of principles of natural justice, abuse of process of law, violation of under Article 14 of the Constitution of India and consequently.
- iii. quash the proceedings issued by the 3rd respondent vide Rc.No.87/G1/2022, dated 23.03.2022 in favour of the 5th respondent
- iv. issue directions to the 2nd and 3rd respondents to award diet contract in favour of the petitioner as per letter of award of contract dated 29.09.2020.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri.K.M.KRISHNA REDDY Advocate for the Petitioner, Learned Government Pleader for Medical and Health for Respondent Nos. 1 to 3 directed issue of notice to the Respondent Nos.4 & 5 herein to show cause as to why this WRIT PETITION should not be admitted.



viz:

1. D. Ramachandra Gopala Raju, S/o. Late D. Appala Narasimha Raju, Occ. Diet Contractor, R/o. D.No.15-11-6/4, Krishna Nagar, Simhadri Hospital Backside, Maharani Peta, Visakhapatnam.
2. Yarlagadda Nagarjun, S/o. Y. Koteswara Rao, Occ. Diet Contractor, R/o. Flat No.402, Krishna Estates, 7th Cross, Srinivas Nagar, Bank Colony, Vijayawada.

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 on or before 13.06.2022, on which date the case stands posted for hearing.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

Learned Government Pleader for Medical and Health takes notice for Respondent Nos. 1 to 3.

Issue Notice to the Respondent Nos. 4 and 5.

Learned counsel for the petitioner is permitted to take out personal notice to respondent Nos. 4 and 5 and file proof of service within two weeks. Post after Summer Vacation, 2022, to enable the respondents to file their Counter Affidavits.

**SD/-K.J.RAJA BABU
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. D. Ramachandra Gopala Raju, S/o. Late D. Appala Narasimha Raju, Occ. Diet Contractor, R/o. D.No.15-11-6/4, Krishna Nagar, Simhadri Hospital Backside, Maharani Peta, Visakhapatnam.
2. Yarlagadda Nagarjun, S/o. Y. Koteswara Rao, Occ. Diet Contractor, R/o. Flat No.402, Krishna Estates, 7th Cross, Srinivas Nagar, Bank Colony, Vijayawada. (1 & 2 by RPAD- along with a copy of petition and affidavit)
3. One CC to SRI.K.M.KRISHNA REDDY Advocate [OPUC]
4. Two CCs to GP for Medical & Health, High Court Of Andhra Pradesh. [OUT]
5. One spare copy

SRL

HIGH COURT

DEVJ

DATED:26/04/2022

NOTICE BEFORE ADMISSION

WP.No.11583 of 2022

