

[3332]

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATHI
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2024

IN

WP NO: 9667 OF 2024

Between:

Kollapudi Adisheshaiah, S/o.K.Subbramaiah, aged 48 years, Occ Business,
Shop No.4, NTR Shopping Complex, R/o. Harijanawada, Kolanukuduru
Village, and Post, Manabolu Mandal, Tirupathi District.

Petitioner

(Petitioner in WP 9667 OF 2024
on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary,
Municipal Administration and Urban Development Secretariat Buildings
at Velagapudi, Amaravathi, Guntur District, Andhra Pradesh.
2. The Gudur Municipality, Rep. by its Municipal Commissioner Gudur,
Tirupathi District.

Respondents

(Respondents in-do-)

Counsel for the Petitioner: SRI.M.RAVINDRA

**Counsel for the Respondent No.1: GP for Municipal Administration and
Urban Development**

**Counsel for the Respondent No.2: SRI.N.RANGA REDDY, STANDING
COUNSEL**

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to issue an appropriate Writ or Direction or Order, more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 2nd Respondent in R.O.C. No. 1950/2015/A1, dt.28-03-2024 directing the petitioner to vacate the Municipal Shop No.04 (Front Row), N.T.R. Municipal Shopping complex. Old Bus Stand, Gudur, Tirupathi District by paying the revised rental balance up to 31.05.2024 as illegal, arbitrary. Unjust and in violation of A.P.Municipalities Act, 1965, Articles 14, 19(1)(g) and 21 of Constitution of India and to set aside the same and consequently direct the Respondents to extend the lease period in terms of G.O.Rt.No.665, Dt.11.10.2023, pending disposal of WP 9667 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard.

Sri M.Ravindra, learned counsel for the petitioner in elaboration contended that, the authorities have issued proceedings vide R.O.C.No.1950/2015/A1 dated 28.03.2024 directing the petitioner to vacate the Municipal shop No.04, (front row) NTR Municipal Shopping complex, Old Bus Stand, Gudur, Tirupati District along with other lease holders and to pay the rents up to 31.05.2024. The petitioner has been paying rents & charges regularly. However the 2nd respondent giving a go by to the terms

and conditions of the lease and in utter violation the principles of natural justice in vogue issued the impugned G.O. if the impugned Go is not suspended the authorities may dispossess the petitioner from the subject shop. The learned counsel for the petitioner further submitted that the petitioner is ready to pay the arrear amount of Rs.2,46,642/- in two (02) installments. Accordingly, prayed to pass appropriate orders protecting the interest of the petitioner.

Perused the record.

As per the impugned Go the petitioner fell in arrears of rent to the tune of Rs.2,46,642/- the petitioner under took to pay the said amount in two (02) installments.

In view of the above, this Court is inclined to pass the following interim order:

The petitioner shall pay the arrears of Rs.2,46,642/- in two (02) installments within a period of four (04) weeks from today.

The respondent Corporation shall not take any coercive steps subject to the payment of arrears.

If the petitioner has not paid the said amount in a stipulated time, the respondent Corporation is not precluded to take steps in accordance with law.

//TRUE COPY//

SD/- S.SRINIVASA PRASAD
ASSISTANT REGISTRAR
SECTION OFFICER
For ASSISTANT REGISTRAR

To,

1. The Special Chief Secretary, Municipal Administration and Urban Development, State of Andhra Pradesh, Secretariat Buildings at Velagapudi, Amaravathi, Guntur District, Andhra Pradesh.
2. The Municipal Commissioner, Gudur Municipality, Gudur, Tirupathi District. (1 & 2 by RPAD- along with a copy of petition and affidavit)
3. One CC to SRI.M.RAVINDRA Advocate [OPUC]
4. Two CCs to GP for Municipal Administration and Urban Development, High Court of Andhra Pradesh. [OUT]
5. One CC to Sri.N.Ranga Reddy, Standing Counsel (OPUC)
6. One spare copy

SRL

HIGH COURT

RC,J

DATED:25/04/2024

NOTE: POST ON 28.06.2024

ORDER

I.A.No.1 OF 2024

IN

WP.No.9667 of 2024

DIRECTION

