

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

TUESDAY, THE TWENTY-SEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE B.KRISHNA MOHAN

WRIT PETITION NO: 10627 OF 2023

Between:

1. Peram Srinivasa Rao, S/o. Bulliyya, Aged 44 years, R/o. H.No.7-4-F, ST Colony, Ekalavya Nagar, Chimakurthy Mandal, Prakasam District.
2. Peram Tirupataiah, S/o. Bulliyya, Aged 57 years, R/o. ST Colony, Ekalavya Nagar, Chimakurthy Mandal, Prakasam District.
3. Peram Nagaiah, S/o. Ramaiah, Aged 61 years, R/o. ST Colony, Ekalavya Nagar, Chimakurthy Mandal, Prakasam District.
4. Pathruni Nagarjuna, S/o. PVVS Satyanarayana, Aged 48 years, R/o. ST Colony, Ekalavya Nagar, Chimakurthy Mandal, Prakasam District

Petitioners

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary to Government, Municipal & Urban Development Department, Secretariat, Velagapudi, Amaravati.
2. Chimakurthy Nagar Panchayat, Rep. by its Commissioner, Chimakurthy Mandal, Prakasam District

Respondents

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 the Final Notice vide proceedings in Roc.No.168/2022/G1, dated 24.04.2023 issued by the 2nd respondent, thereby directing the petitioners to remove the alleged encroachments made on drain within a period of three days without considering the petitioners explanation dated 24.04.2023 submitted to the notice vide proceedings in Roc.No.168/2022/G1, dated 17.04.2023 issued by the 2nd respondent, without giving any opportunity for personal hearing and without passing speaking order, as illegal, irregular, irrational, violative of provisions of AP Municipalities Act, 1965 and offends Articles 14, 21 and 300-A of constitution of India and consequently set-aside the said notices dated 17.04.2023 and 24.04.2023 issued by the 2nd respondent and further direct the respondents not to interfere in any manner with petitioners' said house properties.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the final notice vide proceedings in Roc.No.168/2022/G1, dated

24.04.2023 issued by the 2nd respondent and direct the respondents not to interfere in any manner with petitioners' said house properties, Pending disposal of WP 10627 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and of order of the High Court, dated 25.04.2023 made herein and upon hearing the arguments of Sri Kolluri Arjun Chowdary Advocate for the Petitioners, Assistant GP for Municipal Administration & Urban Development for the Respondent No.1, Sri G.Naresh Kumar, Standing Counsel for the Respondent No.2, the Court made the following

ORDER:

The office is directed to print the name of the learned Standing Counsel for the 2nd respondent.

For filing counters, list on 18.07.2023.

In the meanwhile, interim order granted earlier by this Court dated 25.04.2023 is extended till then.

**SD/-M.SRINIVAS
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. One CC to Sri Kolluri Arjun Chowdary Advocate [OPUC]
2. Two CCs to GP for Municipal Administration & Urban Development, High Court Of Andhra Pradesh. [OUT]
3. One CC to Sri G.Naresh Kumar, Standing Counsel [OPUC]
4. One spare copy

SRL

HIGH COURT

BKMJ

DATED:27.06.2023

NOTE: LIST ON 18.07.2023

ORDER

WP.No.10627 of 2023

INTERIM ORDER EXTENDED

