

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)**

FRIDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

**PRESENT
THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI**



IA.No's. 1, 2 & 3 of 2024

IN

WRIT PETITION NO: 19941 OF 2022

IA NO: 2 OF 2024

Between:

1. Sri. Pasupati Narayana Murthy Raju (died), S/o Late Sri Jogi Jagannadha Raju, Aged about 74 years, R/o DNo.1-124, Jonnalavalasa, Vizianagaram District,
2. Smt Pusapati Prameela, W/o P.Narayanamurthy Raju (Late), Aged about 59 years, R/o 2-3, Jonnavalsa, Jagannadhapuram Village and Mandal, Vizianagaram District.
3. Smt Pakalapati Swetha, D/o P.Narayanamurthy Raju (Late), Aged about 39 years, R/o 2-3, Jonnavalsa, Jagannadhapuram Village and Mandal, Vizianagaram District.
4. Gottumukkala Druthi, D/o Late Gottumukkala Shilpa, Represented by Gottumukkala Seshu Babu, Being Father and Natural Guardian, Aged about 16 years, R/o 2-3, Jonnavalsa, Jagannadhapuram Village and Mandal, Vizianagaram District. All the Petitioners herein are Represented by the GPA holder Shri.Duggineni Bhaskara Rao, S/o Venkaiah, Aged about 62 years, Residing at F3, Murthys Manor Apartments, Giri Road, T.Nagar, Chennai.

...Petitioners

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Revenue Dept. Secretariat, At Velagaudi, Amaravathi, A.P.
2. The Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Visakhapatnam District Rep. by its Commissioner,
3. The Visakhapatnam metropolitan Region Development Authority, Visakhapatnam, Visakhapatnam District Represented by its Chairman

...Respondents

Petition under Order IX Rule 9 r/w Section 151 C.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to restore the WP no. 19941 of 2022 on the file of this Hon'ble Court and to permit the Petitioner No. 2 to 4 to pursue the litigation against the Respondent.

WRIT PETITION NO: 19941 OF 2022

Between:

1. Sri. Pasupati Narayana Murthy Raju (died), S/o Late Sri Jogi Jagannadha Raju, Aged about 74 years, R/o DNo.1-124, Jonnalavalasa, Vizianagaram District, represented by his GPA Holder Sri Chintalapati Srinivas, S/o Sri C.Venkata Rama Raju, Aged about 54 years, Occ- Business, R/o Flat No.603, Balaji Dolphin Heights, Seetamadhara North Extensions, Visakhapatnam Visakhapatnam District.
2. Smt Pusapati Prameela, W/o P.Narayanamurthy Raju (Late), Aged about 59 years, R/o 2-3, Jonnavalsa, Jagannadhapuram Village and Mandal, Vizianagaram District.
3. Smt Pakalapati Swetha, D/o P.Narayanamurthy Raju (Late), Aged about 39 years, R/o 2-3, Jonnavalsa, Jagannadhapuram Village and Mandal, Vizianagaram District.
4. Gottumukkala Druthi, D/o Late Gottumukkala Shilpa, Represented by Gottumukkala Seshu Babu, Being Father and Natural Guardian, Aged about 16 years, R/o 2-3, Jonnavalsa, Jagannadhapuram Village and Mandal, Vizianagaram District. All the Petitioners herein are Represented by the GPA holder Shri.Duggineni Bhaskara Rao, S/o Venkaiah, Aged about 62 years, Residing at F3, Murthys Manor Apartments, Giri Road, T.Nagar, Chennai.

Petitioner Nos. 2 to 4 are brought on record as L.Rs of the sole deceased writ petitioner as per the Court Order dt 22.03.2024 vide orders passed in I.A.No. 03 of 2024.

...Petitioners

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Municipal Administration Department A.P. Secretariat, At Velagaudi, Amaravathi.
2. The Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Visakhapatnam District Rep. by its Commissioner,
3. The Visakhapatnam Metropolitan Region Development Authority, Visakhapatnam, Visakhapatnam District Represented by its Chairman

...Respondents

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 an order, writ or direction more particularly in the nature of Writ of Mandamus Under Article 226 of the Constitution of India declaring the action of 2nd respondent in seeking to dispossess the petitioner from his property in an extent of Ac.4.68 cents out of Ac.7.05 in Sy.No.2D of Maduravada Village within the limits of Greater Visakhapatnam Municipal corporation, Vishakhapatnam District without issuing any notice without following any procedure under law by removing boards erected by the petitioner in his property as illegal, arbitrary and violative of Article 14, 21 and 300-A of Constitution of India and consequently direct the 2nd respondent not dispossess the petitioner from above said property.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to dispossess the petitioner from his land an extent of Ac.4.68 cents out of Ac.7.05 in Sy.No.2D of Maduravada Village within the limits of Greater Visakhapatnam Municipal corporation, Vishakhapatnam District.

Counsel for the Petitioner: SRI S.VIVEK CHANDRASEKHAR

Counsel for the Respondents: GP FOR MUNICIPAL ADMN URBAN DEV

Counsel for the Respondents: SRI V.SURYA KIRAN KUMAR, SC FOR GVMC

The Court made the following order:

I.A.Nos.1, 2 and 3 of 2024

in

W.P.No.19941 of 2022

I.A.No.1 of 2024 is filed to condone the delay of 495 days in filing application to recall the order dated 02.08.2020.

I.A.No.2 of 2024 is filed to restore W.P.No.19941 of 2022 to its original file.

I.A.No.3 of 2024 is filed to permit legal representatives of the sole deceased writ petitioner to come on record as petitioner Nos.2 to 4.

Heard.

The above writ petition is filed to declare the action of respondent No.2 in seeking to dispossess the petitioner from his property of an extent of Ac.4-68 cents out of Ac.7-05 cents in survey No.2D of Maduravada Village, without following due process of law, as illegal and arbitrary.

The said writ petition was deposed by Chintalapati Srinivas, GPA Holder of Pasupati Narayana Murthy Raju.

When the matter was listed on 02.08.2020, learned counsel for the petitioner sought permission to withdraw the writ petition, on the ground that the executant of the G.P.A. has passed away. In view of the said fact, the writ petition was closed.

In the affidavits filed in support of the petitions, it was stated that P. Narayanmurthy Raju, sole writ petitioner passed away on 20.07.2022 and said fact was brought to the notice of the counsel. However, due to miscommunication, application could not be filed to bring the legal representatives of the deceased sole writ petitioner on record.

Learned counsel for respondent Nos.2 and 3 reported no counter.

For the reasons stated in the affidavit, I.A.No.1 of 2024 is allowed and delay of 495 days in filing application to recall the order dated 02.08.2020, is condoned. Consequentially I.A.Nos.2 and 3 of 2024 are allowed restoring W.P.No.19941 of 2022 to its file and the legal representatives of deceased sole writ petitioner are brought on record as petitioner Nos.2 to 4.

W.P.No.19941 of 2022

Registry is directed to carry out necessary amendment.

Learned counsel for the petitioners shall file amended copy of the affidavit.

Post on 19.04.2024.

//TRUE COPY//

Sd/- K. TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration Department, State of Andhra Pradesh, A.P. Secretariat, At Velagapudi, Amaravathi.
2. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Visakhapatnam District.
3. The Chairman, Visakhapatnam metropolitan Region Development Authority, Visakhapatnam, Visakhapatnam District.
4. One CC to Sri S.Vivek Chandrasekhar, Advocate [OPUC]
5. One CC to Sri V.Surya Kiran Kumar, SC for GVMC [OPUC]
6. Two CCs to GP for Municipal Administration & Urban Development, High Court of Andhra Pradesh. [OUT]
7. Two CD Copies

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After dispatch entire bundle send to posting section

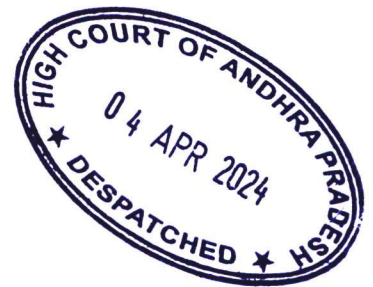
HIGH COURT

DATED:22/03/2024

POST ON 19-04-2024

**ORDER
IA.Nos.1, 2 & 3 of 2024
IN
WP.No.19941 of 2022**

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**IA.No.1,2 & 3 of 2024 IS ORDERED
&
RESTORING THE WP.No.19941 of 2022**