

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

THURSDAY, THE NINTH DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 20460 OF 2023**



Between:

Global College of Engineering and Technology Chennur Road, Chinnamachupalli
Village Chennur Mandal, YSR Kadapa District Andhra Pradesh - 516 162, Rep.by
Secretary-cum Correspondent Komma Ram Pavan Reddy S/o Japnardhana Reddy

...Petitioner

(Petitioner in WP 20460 OF 2023
on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep. by Principal Secretary to Government Medical and Health Department A.P. Secretariat, Velagapudi, Amaravathi Guntur District, Andhra Pradesh - 522 238
 2. The Principal Secretary to Government, Finance Department, A.P. Secretariat Velagapudi, Amaravathi, Guntur District Andhra Pradesh - 522 238
 3. The District Collector and Magistrate, YSR Kadapa District, Kadapa Andhra Pradesh
 4. The Joint Collector, Kadapa, YSR Kadapa District Andhra Pradesh
 5. The District Medical and Health Officer, YSR Kadapa District, Kadapa Andhra Pradesh
 6. The Directorate of Works and Accounts, HGRF PLUS G87, Bhimaraju Gutta, Anjaneya Towers Ibrahimpatnam, Vijayawada, Andhra Pradesh- 521456
 7. The Pay and Accounts Officer Works and Accounts,, D.No. 29-2-52, Manasa Complex Ramamandiram Street, Venkateswara Rao Street Governorpet, Vijayawada, Krishna District- 520002
 8. The Assistant Pay and Accounts Officer Works and Accounts,, D.No. 29-2-52 Manasa Complex, Ramamandiram Street, Venkateswara Rao Street, Governorpet, Vijayawada, Krishna District- 520002
 9. The Tahsildar, Chennur Mandal, Y.S.R.Kadapa District, Andhra Pradesh
- (R9 is impleaded in writ petition and affidavit as per the court'd order dt: 17.10.2023 vide order passed in IA.No.2 of 2023)

...Respondents

(Respondents in-do-)

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 Writ of Mandamus declaring the action of the respondents in withholding an amount of Rs.1,89,08,786/- and the food expenses for the months of April 2020 and May 2020, which is due and payable by the respondents to the Petitioner Institution pertaining to running Covid Care Centre in the Petitioner Institution during COVID - 19 pandemic outbreak, and not properly considering Petitioner Institutions representations, and Spandana applications, including the representations dated 11.11.2020, 17.11.2020, 04.03.2021, 10.04.2023 and 08.05.2023 and the action of the 3rd respondent herein and the Tahsildar, Chennur Mandal, Y.S.R. District in issuing proceedings bearing Ref No D5/2330/2021 dated 17.09.2023 and Ref. No. C/90/2023 dated 17.09.2023 issued

by the District collector, Y.S.R. District i.e., the 3rd respondent herein and the Tahsildar, Chennur Mandal, Y.S.R. District, respectively and the action of the 3rd respondent in making the payments to the third parties and unrelated parties, instead of to the petitioner institution, as arbitrary, illegal, high handed and unconstitutional and against the well settled principles of natural justice, and consequently direct the respondents to forthwith to pay the an amount of Rs.1,89,08,786/- towards utilizing petitioner institution as Transit Quarantine Facility Centre, for consumption of various items, damages, charges, rents etc., and the food expenses for the months of April 2020 and May 2020, along with interest @ 24% p.a (Prayer is amended as per the Order of this Court, dt. 09.11.2023 vide order passed in I.A.3 of 2023.)

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 writ petition, the High Court may be pleased to direct the respondents to consider Petitioner Institution's representations and Spandana Applications including representation dated 08-05-2023, and to pass appropriate orders as per law, pending disposal of WP No.20460 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 the order of the High Court order dated 28.08.2023 made herein and upon hearing the arguments of M/s LEO LAW ASSOCIATES LLP for the Petitioner and GP for Med Health and Family Welfare and GP for Finance & Planning for the Respondents, the Court made the following;

ORDER:

"Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

Learned counsel for the petitioner submits that the petitioner was directed to file implead petition by impleading the party to whom the amounts were paid which are entitled by the petitioner. For which he requested two weeks time.

Pursuant to the orders of this Court dated 17.10.2023, the 9th respondent appeared before this Court through his counsel and submitted that the notice dated 22.09.2022 which was caused to issue present order of appearance. The very issuance of notice dated 22.09.2022 is out of the jurisdiction and competency of the 9th respondent. Learned counsel for the 9th respondent submits that the said notice was issued mistakenly and with his understanding and he undertakes to withdraw the impugned notice forthwith.

In view of the submissions made by the learned counsel for the 9th respondent, the presence of the 9th respondent herein is dispensed with, until further orders.

For filing counter, list the matter on 06.12.2023.

//TRUE COPY//

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

For SECTION OFFICER

To,

1. The Principal Secretary to Government Medical and Health Department State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravathi Guntur District, Andhra Pradesh - 522 238
2. The Principal Secretary to Government, Finance Department, A.P. Secretariat Velagapudi, Amaravathi, Guntur District Andhra Pradesh - 522 238
3. The District Collector and Magistrate, YSR Kadapa District, Kadapa Andhra Pradesh
4. The Joint Collector, Kadapa, YSR Kadapa District Andhra Pradesh
5. The District Medical and Health Officer, YSR Kadapa District, Kadapa Andhra Pradesh
6. The Directorate of Works and Accounts, HGRF PLUS G87, Bhimaraju Gutta, Anjaneya Towers Ibrahimpatnam, Vijayawada, Andhra Pradesh- 521456
7. The Pay and Accounts Officer Works and Accounts,, D.No. 29-2-52, Manasa Complex Ramamandiram Street, Venkateswara Rao Street Governorpet, Vijayawada, Krishna District- 520002
8. The Assistant Pay and Accounts Officer Works and Accounts,, D.No. 29-2-52 Manasa Complex, Ramamandiram Street, Venkateswara Rao Street, Governorpet, Vijayawada, Krishna District- 520002
9. The Tahsildar, Chennur Mandal, YSR Kadapa District, AP (Addressee Nos.1 to 9 By RPAD)
10. One CC to Leo Law Associates LLP [OPUC]
11. Two CCs to GP for Med Health And Family Welfare, High Court of Andhra Pradesh. [OUT]
12. Two CCs to GP for Finance & Planning, High Court of AP [OUT]
13. One spare copy

MM

HIGH COURT

NV,J

DATED:09/11/2023

NOTE: LIST THE MATTER ON 06.12.2023

ORDER

WP.No.20460 of 2023

DIRECTION

