

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI [3233]
(SPECIAL ORIGINAL JURISDICTION)
TUESDAY, THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN
WRIT PETITION NO: 19185 OF 2023

Between:

Vinnakota Damodar Rao, s/o Late Nageswara Rao, aged about 62 years,
Dr.No.20-8/1-11, Gannabattula babu Rao street, Ayodhya Nagar, Vijayawada
City, NTR District.

AND

Petitioner

1. The Commissioner And Director Municipal Administration, Government of Andhra Pradesh, Tadepalli, Guntur district.
2. The Special Officer, Gudivada Municipality, Krishna District.
3. The Gudivada Municipality, rep. by its Commissioner, Krishna District.

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 a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 by way of issuing notice vide R.O.C. No.2817/2020/A1 dated 24-7-2023 for conducting panchanama and auction of the goods found in the premises of the shop of the Petitioner is arbitrary, unreasonable and in violation of Article 14 and 330-A of the Constitution of India as it not followed the due process of law and may be pleased to suspend the auction of the shop of the Petitioner (17. S.P.S. West - I block) conducted on 20-10-2022 and suspend the Munciple council Resolution No.201. dt.6-7- 2022, as they are violative of the Article 14, 21 and 300-A of the Constitution of India and pass orders to receive the arrears of the rent and pass order to reopen the locks put -to the shop of the Petitioner and pass such other order or orders as deem fit and proper in the circumstances of the case.

IA NO: 1 OF 2023

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 suspend the attachment notice dated 24-7-2023 vide R.O.C. No.2817/2020/A1 issued by the Respondent No.2 till the disposal of the Writ Petition and pass further orders to break open the locks put on the shutter of the shop of the petitioner by the Respondent no.2 and 3 and allow the Petitioner to do his business as usual, Pending disposal of WP 19185 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 upon hearing the arguments of Sri Bhanu Prasad Chukkapalli Advocate for the Petitioner, GP for Municipal Admn Urban Dev for the Respondent No.1, Sri M.Manohar Reddy, Standing Counsel for the Respondent Nos. 2 & 3, the Court made the following

ORDER

"Heard the learned counsel for the petitioner.

The learned Government Pleader for Municipal Administration takes notice for the 1st respondent.

The learned Standing Counsel takes notice for the respondent Nos.2 and 3.

This Writ Petition is filed questioning the attachment notice issued by the 3rd respondent, dated 24.07.2023 following the orders passed by this Court earlier in W.P.No.35303 of 2022, dated 01.05.2023 and other notices issued by the corporation from time to time. According to the impugned attachment notice, there are arrears of rents payable by the petitioner towards lease of the shop to an extent of Rs.12 lakhs as arrears of the lease amount. Since the petitioner is found to be defaulter of the said amount, the 3rd respondent issued the above said impugned notice, dated 24.07.2023.

The learned counsel for the petitioner seeks time to pay the arrears, as claimed in the impugned notice, dated 24.07.2023.

In view of the same, the petitioner is directed to pay the arrears of the amount up to date for the subject shop covered under the impugned notice, dated 24.07.2023, within a period of four (04) weeks from the date of receipt this order. In default of the same, the respondent authorities are directed to proceed with the subject property in accordance with law as per the impugned notice, dated 24.07.2023. The attachment notice dated 24.07.2023 is stayed for the said period of four weeks only.

List on 29.08.2023.

In the meanwhile, counters shall be filed by the respondents."

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Commissioner And Director Municipal Administration, Government of Andhra Pradesh, Tadepalli, Guntur district.
2. The Special Officer, Gudivada Municipality, Krishna District.
3. The Commissioner, Gudivada Municipality, Krishna District.(by RPAD)
4. One CC to Sri Bhanu Prasad Chukkapalli Advocate [OPUC]

5. Two CCs to GP for Municipal Admn Urban Dev ,High Court Of Andhra Pradesh. [OUT] ✓

6. One CC to Sri M.Manohar Reddy, Standing Counsel [OPUC] ✓

7. One spare copy

RVK

HIGH COURT

BKMJ

DATED:01/08/2023

LIST ON 29.08.2023

ORDER

WP.No.19185 of 2023

STAY

