



(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
WRIT PETITION NO: 9726 OF 2023

Between:

D Rama Kotaiah & Co Contractors, a registered Partnership Firm, having office at D.No. 31-9-8/9, MagantiVari Street, Maruthi Nagar, Vijayawada, Krishna District, rep. by it's Managing Partner D.V Satyam Babu S/o D. Rama Kotaiah, aged about 57 years, Occ. Business, D.No. 31-9-8/9, MagantiVari Street, Maruthi Nagar, Vijayawada, Krishna District.

...PETITIONER

AND

1. The State of Andhra Pradesh, rep. by it's Principal Secretary, Health, Medical and Family Welfare Department, Secretariat. Velagapudi Village, Guntur District.
2. The Andhra Pradesh Medical Services & Infrastructure Development Corporation (APMSIDC), rep. by it's Managing Director. 3rd Floor, Plot No.9, Survey No. 49, IT Part, Autonagar, Mangalagiri, Guntur District.
3. The Chief Engineer, Andhra Pradesh Medical Services and Infrastructure Development Corporation (APMSIDC), Mangalagiri, Guntur District.
4. The Superintending Engineer, Andhra Pradesh Medical Services & Infrastructure Development Corporation (APMSIDC) Circle, Eluru.
5. The Executive Engineer, Andhra Pradesh Medical Services and Infrastructure Development Corporation (APMSIDC) Division. Vijayawada. Krishna District.

.... RESPONDENTS

WHEREAS the Petitioner above named through its Advocate Sri.Sreenivasa Rao Velivela, presented this 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 appropriate Writ more particularly one in the nature of **Writ of Mandamus**, declaring the action 5th respondent in issuing the proceedings vide Lr No. EE/APMSIDC Divn/ Krishna Dist-VJA/Guru RajuHomeo-GDV/AB/2022-23/573 dated 13-03-2023 cancelling the Agreement No.63/APMSIDC/2018-19 dated 22-10-2018 by forfeiting the deposits i.e. Earnest Money Deposit (EMD); Further Security Deposit amounts and pending bills amounts for the work of Strengthening Dr. Gururaju Government Homeo College at Gudivada and Upgradation of Hemeo Hospital at Gudivada in Krishna District as illegal, arbitrary and violative of principles of natural justice and in violation of Art. 14, 19 and 21 of the Constitution of India and consequently set aside the same by directing the respondents to either implement the price adjustment with revised estimates for carrying further work or to foreclose the agreement by releasing the balance amounts for the part work done along with deposits laying with them;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri. Sreenivasa Rao Velivela, Advocate for the Petitioner, learned GP for Medical & Family Welfare for respondent No.1 & Sri. Ch. Venkata Reddy, Standing Counsel for respondent Nos. 2 to 5, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Health, State of Andhra Pradesh, Medical and Family Welfare Department, Secretariat. Velagapudi Village, Guntur District.
2. The Managing Director, Andhra Pradesh Medical Services & Infrastructure Development Corporation (APMSIDC), 3rd Floor, Plot No.9, Survey No. 49, IT Part, Autonagar, Mangalagiri, Guntur District.
3. The Chief Engineer, Andhra Pradesh Medical Services and Infrastructure Development Corporation (APMSIDC), Mangalagiri, Guntur District.
4. The Superintending Engineer, Andhra Pradesh Medical Services & Infrastructure Development Corporation (APMSIDC) Circle, Eluru.
5. The Executive Engineer, Andhra Pradesh Medical Services and Infrastructure Development Corporation (APMSIDC) Division. Vijayawada. Krishna District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 03.05.2023, on which date the case stands posted for hearing.

The Court made the following ORDER:

"Notice before admission.

Learned Government Pleader for Medical and Health takes notice on behalf of respondent No.1.

Sri Ch. Venkata Reddy, learned standing counsel for APMSIDC, takes notice on behalf of respondent Nos.2 to 5.

For filing counters, post on 03.05.2023."

**Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

For A.....

1. The Principal Secretary, Health, State of Andhra Pradesh, Medical and Family Welfare Department, Secretariat. Velagapudi Village, Guntur District.
2. The Managing Director, Andhra Pradesh Medical Services & Infrastructure Development Corporation (APMSIDC), 3rd Floor, Plot No.9, Survey No. 49, IT Part, Autonagar, Mangalagiri, Guntur District.



3. The Chief Engineer, Andhra Pradesh Medical Services and Infrastructure Development Corporation (APMSIDC), Mangalagiri, Guntur District.
4. The Superintending Engineer, Andhra Pradesh Medical Services &Infrastructure Development Corporation (APMSIDC) Circle, Eluru.
5. The Executive Engineer, Andhra Pradesh Medical Services and Infrastructure Development Corporation (APMSIDC) Division. Vijayawada. Krishna District. (Addressees Nos.1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to SRI. SREENIVASA RAO VELIVELA Advocate [OPUC]
7. Two CCs to GP FOR MED HEALTH AND FAMILY WELFARE ,High Court Of Andhra Pradesh. [OUT]
8. One CC to Sri. Ch. Venkata.Reddy, Standing Counsel [OPUC]
9. One spare copy

Kj

HIGH COURT

RC,J

DATED:19/04/2023

NOTE: POST ON 03.05.2023

NOTICE BEFORE ADMISSION

WP.No.9726 of 2023

