

APHC010478652024



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

[3310]

MONDAY ,THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 24633 OF 2024

Between:

B Venkatasubbamma

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P SAI SURYA TEJA

Counsel for the Respondent(S):

1.GP FOR HOME

2.GP FOR REVENUE

3.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of India,
seeking the following relief:

“.....to issue a Writ, Order or direction more particularly one in the nature of Writ of mandamus declaring the action of the 2nd respondent Commissioner, Tirupati Municipal Corporation in interfering with the possession of the property of the petitioner situated in Door No. 20-5-746/3, Plot No.217-A Sanjay Gandhi Colony, Tirupati Town, pursuant to the Provisional Order

dated 03.07.2024 without following due process of law; declaring the action of the 2nd respondent Commissioner and 3rd respondent, Deputy Commissioner Tirupati Municipal Corporation in proceeding with cancellation of the house tax assessment of the petitioner situated in Door No 20-5-746/3, Plot No. 217-A, Sanjay Gandhi Colony, Tirupati Town, pursuant to the show-cause notice without following due process of law; declaring the action of the respondents 4 and 5 in proceeding with the cancellation of the electricity service meters of the petitioner pursuant to the show-cause notice without following due process of law; declaring the action of the respondents 7 to 9 in interfering with the possession of the property of the petitioner situated in Door No 20-5-746/3, Plot No. 217-A, Sanjay Gandhi Colony, Tirupati Town at the instance of the unofficial respondents 9 to 11 as the same is illegal, contrary to law without jurisdiction arbitrary against the principles of natural justice and consequently direct the official respondents not to interfere with petitioners peaceful possession of the property situated in Door No 20-5-746/3, Plot No. 217-A, Sanjay Gandhi Colony, Tirupati Town pursuant the false and frivolous representations being made by the unofficial respondents 10 to 12 without following due process of law and pass such other orders....”

2. Heard Mr.P. Sai Surya Teja, learned counsel for the petitioner; learned Assistant Government Pleader, Municipal Administration and Urban Development for the respondents.

3. During hearing learned counsel for the petitioner would contend that the petitioner is resident of Door No 20-5-746/3, Plot No. 217-A, Sanjay Gandhi Colony, Tirupati Town and she has been in possession since 1979 by paying house tax etc., and constructed thatched house initially and later asbestos sheets house. In recognition of her physical possession the Municipal Councillor of Ward No.3 also issued Possession Certificate on 01.03.1991. While the matter stood thus, the petitioner received a provisional order dated 03.07.2024 issued by the 2nd respondent to show sufficient cause

as to why unauthorized construction should not be removed. The petitioner has also submitted written explanation. Further she also received another endorsement dated 04.07.2024 issued by the 3rd respondent basing on the representation made by one Mr. T. Gopi Krishna Reddy, i.e 12th respondent, who disputed the possession of the petitioner and seek cancellation of house tax from the authorities. The said Mr. T. Gopi Krishna Reddy, is none other than the son of 10th respondent. The respondents 10 and 11 have filed a suit in O.S.No.1098 of 2000 on the file of the Court of I Additional Junior Civil Judge, Tirupati for declaration of right and for permanent injunction, which was dismissed. Assailing the same, an Appeal in A.S.No.79 of 2005 on the file of III Additional District Judge, Tirupati and the same was also dismissed. Having failed in all attempts the respondents 10 and 11 trying to interfere with the possession and enjoyment of the subject property and started another round of litigation. It is further contended that no notice has been issued to the petitioner and no enquiry was conducted before issuing the said endorsement dated 29.06.2024 by the 7th respondent, which is highly illegal and arbitrary. Hence, the present writ petition came to be filed.

4. Learned Assistant Government Pleader for the respondents basing on a complaint by the unofficial respondents, the 2nd respondent issued show-cause notice to the petitioner to explain the reasons. The petitioner submitted her explanation, which is under consideration. Therefore, requested to pass appropriate order in this writ petition.

5. In view of the submissions made by both the counsel, this Court is inclined to dispose of the writ petition, while directing the 2nd respondent to consider the explanation submitted by the petitioner to the show cause issued by him basing on the complaint made by the unofficial respondents, after affording ample opportunity of hearing of the petitioner and pass appropriate reasoned order in accordance with law, within three (03) months from the date of receipt of a copy of this order. Till then, the respondents are directed not to take any coercive steps against the petitioner.

6. With the above direction, this Writ Petition is disposed of, at the stage of admission, with the consent of both the counsel. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

DR.K. MANMADHA RAO, J

Date: 28.10.2024

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