

**(SHOW CAUSE NOTICE BEFORE ADMISSION)**

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH**

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MARCH  
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

WP :5967 of 2015

Between:

M/s. Jain Silk Palace, a Proprietary Concern, Rep. by its Proprietrix Mrs. Madhu Jain  
W/o. Suresh Jain, aged 50 years, Door No.37-1-23, Main Road, Kakinada.

**..... Petitioner**

AND

- 1 The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration & Urban Development Department, Secretariat Building, Hyderabad.
- 2 Kakinada Municipal Corporation, Rep. by its Commissioner, Kakinada.
- 3 Town Planning Officer, Kakinada Municipal Corporation, Kakinada.

**.....Respondents**

WHEREAS the Petitioner above named through its Advocate SRI CH.DHANAMJAYA presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed here in 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 proposed impugned action of respondents in demolishing the premises bearing Door No.37-1-23, Main Road, Kakinada under the guise of notice under Section 456 of HMC Act said to have issued to the owner of the premises without following the procedure as contemplated under the HMC Act is wholly illegal, arbitrary and violative of principles of natural justice and consequential order directing the respondents to stop all further proceedings pursuant to the issuance of notices under Section 456 of HMC Act dated 10.10.2013 and 28.05.2014 vide reference No.16/2013 including demolition of building bearing Door No.37-1-23, Main Road, Kakinada.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI CH.DHANAMJAYA, Advocate for the Petitioner, learned Government Pleader for Municipal Administration and Urban Development (A.P.) for the Respondent No.1, and of Sri Ancha Pandu Ranga Rao, learned Standing Counsel for K.M.C., for Respondent Nos.2 & 3, and directed issue of notice to the Respondents herein to show cause as to why this writ petition should not be admitted in the circumstances set out in the petition and the affidavit filed in Writ Petition.

You viz;

- 1 The Principal Secretary, Municipal Administration & Urban Development Department, State of Andhra Pradesh, Secretariat Building, Hyderabad.

- 2 The Commissioner, Kakinada Municipal Corporation, Kakinada.
- 3 Town Planning Officer, Kakinada Municipal Corporation, Kakinada.

are directed to show cause 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.

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**W.P.M.P.No. 7960 OF 2015**

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to grant stay of all further proceedings pursuant to the issuance of notices under Section 456 of HMC Act, dated 10.10.2013 and 28.05.2014 vide reference No.16/2013 including demolition of building bearing Door No.37-1-23, Main Road, Kakinada, pending disposal of Writ Petition No. 5967 of 2015 on the file of the High Court.

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**THE COURT MADE THE FOLLOWING ORDER:**

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**Heard learned counsel for the petitioner.**

**Notice before admission.**

**Sri Ancha Pandu Ranga Rao, learned Standing Counsel for the 2<sup>nd</sup> respondent Corporation seeks time to get instructions.**

**The impugned notice is issued basing on the report submitted by Engineering Department. Learned Standing Counsel to get the record pertaining to the impugned notice.**

**Post on 16.03.2015 in Motion List.**

**Till then, Status quo obtaining as on today shall be maintained.**

//TRUE COPY//

ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Municipal Administration & Urban Development Department, State of Andhra Pradesh, Secretariat Building, Hyderabad.

- 2 The Commissioner, Kakinada Municipal Corporation, Kakinada.
- 3 Town Planning Officer, Kakinada Municipal Corporation, Kakinada. (1 to 3 by RPAD along with a copy of petition and affidavit)
- 4 One CC to SRI CH.DHANAMJAYA, Advocate (OPUC)
- 5 Two CCs to the G.P. for Municipal Administration & Urban Development Department (A.P.), High Court, Hyderabad. (OUT)
- 6 One spare copy.

SRL

**HIGH COURT**

**ARRJ**

**DATED: 10.03.2015**

**NOTE: POST ON 16.03.2015 IN MOTION LIST.**

**NOTICE BEFORE ADMISSION**

**W.P.NO. 5967 OF 2015**

**STATUS QUO**

**HIGH COURT**

**Drafted by: SRL  
Date of Drafting : 12.03.2015**

**ARRJ**

**DATED: 10.03.2015**

**NOTE: POST ON 16.03.2015 IN MOTION LIST.**

**NOTICE BEFORE ADMISSION**

**W.P.NO. 5967 OF 2015**

**STATUS QUO**