

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.4205 of 2016

10.02.2016

Between:

M/s. Sri Seetharamanjaneya Gas Company, Rajahmundry

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.M.Jayaram Reddy

Counsel for respondent No.1: Government Pleader for
Municipal Administration and Urban Development (AP)

Counsel for the other respondents:--

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.2 in not taking steps to reinstate the petitioner into newly constructed premises bearing old door No.6-5-85, Main Road, Rajahmundry, East Godavari District, as contemplated under Section 462(6) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), as illegal and arbitrary.

The petitioner had been the tenant of the aforesaid premises owned by respondent No.3. At the instance of the said respondent, respondent No.2 has issued a notice under Section 462(1)(c) of the Act to the petitioner to vacate the shop in its occupation as the building was in a dangerous condition. The petitioner has unsuccessfully challenged the said notice in a writ petition. However, the writ appeal filed by it against the order of the learned Single Judge dismissing its writ petition is pending. Be that as it may, in the present writ petition, the grievance of the petitioner is that after dismantling the old building, respondent No.3 has reconstructed new shopping complex and that under Section 462(6) of the Act, obligation lies on the Commissioner of respondent No.2 to reinstate the petitioner in the newly constructed premises.

A perusal of the pleadings in this writ petition would show that the petitioner has not approached the Commissioner of respondent No.2 so far, with a request to reinstate it in the newly constructed shopping complex. In my opinion, unless the petitioner first approaches the Commissioner of respondent No.2 with the said request and if the latter does not comply with the provisions of Section 462(6) of the Act and reinstate the petitioner, it cannot straight away

approach this Court. In this view of the matter, I am not inclined to entertain this writ petition at this stage. However, the petitioner is permitted to approach the Commissioner of respondent No.2 with a representation for reinstatement and within a period of one month of receipt of such representation, the Commissioner of respondent No.2 shall consider it, take an appropriate decision in terms of Section 462(6) of the Act and communicate the same to the petitioner. If the petitioner feels aggrieved by such communication, it shall be free to avail a fresh remedy.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.Nos.5394 and 5395 of 2016 filed by the petitioner for interim reliefs shall stand disposed as infructuous.

C.V.NAGARJUNA REDDY, J

10th February, 2016
GHN