

(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 THIRTEENTH DAY OF JANUARY,
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
W.P.No. 212 of 2015

Between:-

V. Parameswara Rao S/o. Venkateshwarao,

..... PETITIONER

AND

- 1.Greater Vijayawada Municipal Corporation,Rep.by its
Commissioner,
Vijayawada, Krishna District.
- 2.Deputy Commissioner, (Estate Officer),
Greater Vijayawada Municipal Corporation, Vijayawada.
- 3.The State of Andhra Pradesh, Rep. by its Principal Secretary,
Municipal Administration & Urban Development Department,
Secretariat, Hyderabad.

.....RESPONDENTS

WHEREAS the Petitioner above named through his Advocate SRI T. S. VENKATARAMANA, presented this writ petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of Writ of Mandamus declaring the proceeding No. Rc.N4 -355 / 05 dated 03.01.2015 issued by the 1st respondent to vacate the Kalyanamandapam within 7 days and consequentially to call for tenders any tender notification for leasing out premises Mukka Venkataramana Hymavathi Kalyana Mandapam, Kothapeta, Vijayawada, is illegal, arbitrary , discriminative and contrary to G.O.Ms.No. 389 MA, dated: 24- 09-2004 read with Rule 12 (e) of Receipts and Expenditure rules and consequentially direct the respondent to renew the lease for another three (3) years for the premises Mukka Venkataramana Hymavathi Kalyana Mandapam, Kothapeta, Vijayawada;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI T. S. VENKATARAMANA, Advocate for the Petitioner and Sri T. Bala Swamy-SC on behalf of respondent Nos. 1 & 2 and the Govt. Pleader for Municipal Administration & Urban Development(AP) on behalf of respondent No.3, 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 the Writ Petition;

You viz ;

- 1.The Commissioner, Greater Vijayawada Municipal Corporation,
Vijayawada, Krishna District.
- 2.The Deputy Commissioner, (Estate Officer),
Greater Vijayawada Municipal Corporation, Vijayawada.
- 3.The Principal Secretary, Municipal Administration & Urban

Development Department, State of Andhra Pradesh,
Secretariat, Hyderabad.

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.

THE COURT MADE THE FOLLOWING ORDER :-

“Notice before admission.

Sri T. Bala Swamy, learned Standing Counsel, takes notice for respondent Nos.1 and 2.

Contd.2...

- 2 -

Having regard to the fact that G.O.Ms.No.389 MA, Municipal Administration and Urban Development (K1) Department, dated 24.09.2004, permits extension of lease up to 12 years by charging 33 1/3rd % excess over the existing lease amount and since the petitioner's tenure as a lessee is less than 12 years, the resolution of the Standing Committee calling of fresh tenders for leasing of the subject Kalyana Mandapam appears to be contrary to said G.O.

Learned counsel for the petitioner states that in respect of other Kalyana Mandapams in the jurisdiction of the Vijayawada Municipal Corporation, lessees were granted extension by invoking the said G.O. and that only in respect of the petitioner, the impugned order has been passed.

In this view of the matter, I am of the opinion, *prima facie*, the benefits of the provisions of the said G.O. have been unfairly denied to the petitioner. Therefore, there shall be interim direction as prayed for subject to the condition of the petitioner clearing all the dues payable to respondent No.1 within a period of two (2) weeks from today. In default of payment of the above amount, the order stands vacated.”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Commissioner, Greater Vijayawada Municipal Corporation,
Vijayawada, Krishna District.
- 2.The Deputy Commissioner, (Estate Officer),
Greater Vijayawada Municipal Corporation, Vijayawada.
- 3.The Principal Secretary, Municipal Administration & Urban
Development Department, State of Andhra Pradesh,
Secretariat, Hyderabad.

**(Addressee Nos. 1 to 3 by RPAD along with a copy of
Petition &
Affidavit)**

- 4.Two CCs to the G.P. for Municipal Administration & Urban
Development(AP), High Court a Hyd(OUT)
- 5.One CC to Sri T.S. Venkata Ramana, Advocate(OPUC)
- 6.One spare copy.

TKK

HIGH COURT

MSR.J

DT.13-01-2015.

NOTICE BEFORE ADMISSION

W.P.No. 212 of 2015.

INTERI DIRECTION

**DRAFTED BY TKK
DT.13-01-2015.**

HIGH COURT

MSR.J

DT.13-01-2015.

NOTICE BEFORE ADMISSION

W.P.No. 212 of 2015.

INTERI DIRECTION