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

TUESDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 232 OF 2025

Between:

1. Khaja Bandea Nawaz, S/o S. Abdul Sattar, Aged about 60 years, R/o D.No.8-244-1-A, Shalinge Katta, Adoni, Kurnool District.
2. Gadwal Taher Hussain, S/o Kabulla Hussain, Aged about 30 years, R/o D.No.8-245/1, Shalinge Katta, Adoni, Kurnool District.
3. Gadwal Sabir Hussain, S/o Kabulla Hussain, Aged about 50 years, R/o D.No.8-245/1, Shalinge Katta, Adoni, Kurnool District.
4. Gadwal Khaja Pasha, S/o K. Hussain, Aged about 51 years, R/o D.No.8-245/3, Shalinge Katta, Mehtar Masjeed, Adoni, Kurnool District.
5. J. Md. Taher, S/o Ata Mohammed, Aged about 54 years, R/o D.No.8-213, Shalinge Katta, Adoni, Kurnool District.
6. Shalinge Fayaz Ahamed, S/o Shaikvali, Aged about 34 years, R/o D.No.8-220, Shalinge Katta, Mehtar Masjeed, Adoni, Kurnool District.

...PETITIONERS

AND

1. The State of AP, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Building, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Kurnool District, Kurnool.
3. The Adoni Municipality, Rep. by its Commissioner, Adoni, Kurnool District.
4. The Municipal Health Officer, Adoni Municipality, Adoni, Kurnool District.

5. The Sub-Collector, Adoni, Kurnool District.
6. The Tahsildar, Adoni, Kurnool District.
7. B. Mohammed Ghouse, S/o Late Md. Sab, Aged about 40 years, R/o D.No.8-244, Adoni, Kurnool District

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, 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 action of the Respondents 3 and 4 in allowing the 7th Respondent to run/maintain Poultry Farm and wholesale chicken vending shop, Amidist the habitation in Door No.8-244 at Nizamia Madarassa, Mehtar Masjeed St., Shalinge Katta, Adoni Town, Kurnool District, is illegal, arbitrary, unjust, contrary to the Sections 260, 262, 272, 273 and 274 of Andhra Pradesh Municipalities Act, 1965, violation of the fundamental rights guaranteed under Article 14, 21 of Constitution of India and consequently direct the Respondents 3 and 4 to remove the Poultry Farm and wholesale chicken vending shop at Door No.8-244 at Nizamia Madarassa, Mehtar Masjeed St., Shalinge Katta, Adoni Town, Kurnool District.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd Respondent to comply the directions of this Hon'ble Court dt.23-09-2024 issued in W.P.No.20844/2024 immediately.

Counsel for the Petitioners: SRI A SYAM SUNDAR REDDY

Counsel for the Respondent No.1: GP MUNCIPAL ADMN AND URBAN DEV



Counsel for the Respondent Nos. 2, 5 & 6: GP FOR REVENUE

Counsel for the Respondent No. 3: SMT. SIREESHA RANI VALLABHANENI (SC FOR MUNICIPALITIES)

Counsel for the Respondent Nos. 4 & 7: ----

The Court made the following: ORDER

APHC010001832025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 232/2025

Between:

Khaja Bandea Nawaz and others **...PETITIONER(S)**

AND

The State of A.P. and others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1.A SYAM SUNDAR REDDY

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP MUNCIPAL 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 Respondent Nos.3 and 4 in allowing the 7th Respondent to run/maintain Poultry Farm and wholesale chicken vending shop, Amidst the habitation in Door No.8-244 at Nizamia Madarassa, Mehtar Masjeed Street, Shalinge Katta, Adoni Town, Kurnool District, is illegal, arbitrary, unjust, contrary to the Sections 260, 262, 272, 273 and 274 of Andhra Pradesh Municipalities Act, 1965, violation of the fundamental rights guaranteed under Article 14, 21 of Constitution of India and consequently direct the Respondents 3 and 4 to remove the Poultry Farm and wholesale chicken vending shop at Door No.8-244 at Nizamia Madarassa, Mehtar Masjeed Street, Shalinge Katta, Adoni Town, Kurnool District ....."*

2. The petitioners are residents of Nizamia Madarassa area, Mehtar Masjeed Street, Shalinge Katta, Adoni Town, Kurnool District. The grievance of the petitioner is that the 7th respondent has established a poultry farm and is storing large quantity of chicken at Door No.8-244, Nizamia Madarassa, Mehtar Masjeed Street, Shalinge Katta, Adoni Town. He has been using the said premises as stock point, causing disturbances, and distributing chicken to small vending shops in an around Adoni. Though the petitioners raised a complaint against the 7th respondent, as no action has been initiated, the present writ petition is filed.

3. The case of the petitioners is that earlier a notice was issued to the 7th respondent herein on 04.09.2024 by the Commissioner, Adoni Municipal

Corporation, directing him to remove the poultry farm within 24 hours from the date of receipt of the said notice. Challenging the same, the 7th respondent filed W.P.No.20844 of 2024, which was disposed of on 23.09.2024. The operative portion of order is as follows:

> *"....the 3rd respondent is directed to proceed with the necessary enquiry pursuant to the above said Notice-III dated, 04.09.2024 strictly in accordance with law by considering the undertaking given by the petitioner, by hearing all the parties concerned including the petitioner and upon verification of the records and the subject shop, appropriate decision shall be taken on its own merits as expeditiously as possible preferably within a period of eight (8) weeks from the date of receipt of this order. Pending the above said enquiry, there shall not be any coercive action and the petitioner shall abide by the above said undertaking and comply with the requirement of law in running the above said shop."*

4. The case of the petitioner is that, in spite of there being an order directing the respondents to take appropriate action against the 7th respondent within a period of eight (8) weeks from the date of receipt of the said order; the respondents have failed to initiate action against the 7th respondent herein.

5. Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development and Ms.V.Sireesha Rani, learned Standing Counsel for respondent No.3.

6. The learned Standing Counsel, Ms.Sirisha Rani, for respondent No.3, furnished a copy of the instructions from the Commissioner, Adoni, Kurnool District/Respondent No.3, wherein it is stated that, in compliance with the direction of this Court in W.P.No.20844 of 2024, sanitation officials visited the premises and a notice was served upon the 7th respondent herein, directing him to remove the poultry farm. Subsequently, a legal notice through the Municipal Standing Counsel, Adoni, was also served on the 7th respondent on

12.11.2024. It is also admitted that the poultry farm is being run without any permission from the competent authority and is creating health hazards to all the residents of the locality.

7. As per the said instructions of respondent No.3, it is clear that respondent No.7 is running poultry farm without obtaining any permission from the competent authority and as such a notice was also served upon respondent No.7 herein. However, the 3rd respondent has failed to state as to what action has been initiated against the 7th respondent herein in pursuance of the order passed by this Court.

8. In view of the above, instead of keeping the writ petition pending, this Court feels it appropriate to dispose of the writ petition by directing the 3rd respondent to take appropriate action against respondent No.7 in compliance to the order dated 23.09.2024 passed by this Court in W.P.No.20844 of 2024, in accordance with law, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

//TRUE COPY//

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Building, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Kurnool District, Kurnool.

3. The Commissioner, Adoni Municipality, Adoni, Kurnool District.
4. The Municipal Health Officer, Adoni Municipality, Adoni, Kurnool District.
5. The Sub-Collector, Adoni, Kurnool District.
6. The Tahsildar, Adoni, Kurnool District.
7. One CC to Sri A Syam Sundar Reddy Advocate [OPUC]
8. Two CCs to GP for Muncipal Admn and Urban Dev, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
10. One CC to Smt. Sireesha Rani Vallabhaneni (SC for Municipalities) Advocate [OPUC]
11. Three CD Copies

TF

HIGH COURT

DATED:07/01/2025

ORDER

WP.No.232 of 2025



DISPOSING OF THE W.P., WITHOUT COSTS