

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
TUESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY



:PRESENT:

THE HONOURABLE SRI JUSTICE RAKESH KUMAR
AND
THE HONOURABLE SRI JUSTICE A V SSHA SAI

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION Nos.13203, 13204, 13205 & 13206 OF 2020

WRIT PETITION No.13203 OF 2020

Between:

1. Rajadhani Rythu Parirakshnana Samithi, A society registered under the Societies Act Bearing Registration No.283 of 2016, having its office at H.No.11-94, Tullur, Amaravati, Andhra Pradesh, Rep. by its Secretary, Sri Dhanekula Rama Rao.
2. Pathan Ahammad Khan, S/o P. Galab Khan, aged about 48 years, Occ Agriculture, 6-29/1, S C Colony, Thullur (Mandal), Rayapudi, Guntur, Andhra Pradesh.
3. Ponnekanti Chitti Babu., S/o Venkatesh, aged about 53 years, Occ. Agriculture, 12-11-1, Thullur, Guntur, Andhra Pradesh.
4. Peddineni Lakshmaiah, S/o Ramarao, age about 46 years, Occ Agriculture, 1-14, Tank Bandi Area, Thullur, Ainavolu, Guntur, Andhra Pradesh.
5. Koyyagura Ravi Babu, S/o Peraiah, aged about 47 years, Occ. Agriculture, 2-103, Nelapadu, Thullur, Guntur, Andhra Pradesh.
6. Indurthi Naga Malleswara Rao, S/o Chandraiah, aged about 52 years, Occ Agriculture, 2-32, Nelapadu, Thullur, Guntur, Andhra Pradesh.
7. Nuthaki Chandra Sekhar, S/o Ranga Rao, aged about 53 years, Occ Agriculture, 1-83, Nuthaki Street, Mandadam, Guntur, Andhra Pradesh.

Petitioners

AND

1. The State of Andhra Pradesh, rep. by its Chief Secretary, Building-I, 1st floor, Secretariat, Velagapudi, Amaravati, A.P.
2. Andhra Pradesh Capital Region Development Authority, Karl Marx Road, Lenin Centre, Arandalpet, Governorpet, Vijayawada.
3. The Union of India, Through the Ministry of Housing and Urban Affairs, North Block, New Delhi India- 110001.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue appropriate writ or order or direction more particularly a writ in the a writ of Mandamus

a. Declaring that the State of Andhra Pradesh has no legislative competence-TO- change the Capital of the State or to denude Amaravati from being the seat of the 3 civic wings of the State including the Legislature, Executive and the Judiciary,

b. Declaring that the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 is ultra vires Articles 3, 4, 14, 19, 21, 197, 174 Parts IX and IXA, 300-A of the Constitution of India r/w Sections 5 31(2) and 94 of the A.P. State Reorganization Act, 2014 and consequently declare it to be null and void,

c. Declaring that the Andhra Pradesh Decentralization and Inclusive Development of All Regions Act, 2020 is ultra vires Articles 3, 4, 14, 19, 21, 197, 174, Parts IX and IXA, 300-A of the Constitution of India r/w 5, 31(2) and 94 of the A.P. State Reorganization Act, 2014 and consequently declare it to be null and void.

d. Declaring that the report of the High-Powered Committee dated 17.01.2020 as being bad in law and ultra vires of Articles 14 and 21 of the Constitution of India.

e. Directing the Respondents to forthwith forbear from acting pursuant to or in furtherance of the report of the High-Powered Committee dated 17.01.2020,

f. Directing the Respondents to forthwith forbear from shifting any of the offices of the 3 civic wings of the State including but not limited to the Raj Bhavan, Chief Ministers Camp Office, offices of the Secretariat, Heads of Departments of the Government, Police Department, State Corporations, State Government Offices and Officers, from their current locations in and around Amaravati and from trifurcating the Capital for a period of 30 years or such time as this Honble Court deems fit and proper in the circumstances of the case; and

g. Directing the Respondents to implement the Master Plan as notified on 23.06.2016 under Section 39 of the Andhra Pradesh Capital Region Development Authority Act, 2014 including by constructing the necessary buildings and housing the offices of the 3 civic wings of the State Government including the Executive, Judiciary and Legislature in Amaravati.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Notifications by which the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 and the Andhra Pradesh Decentralization and Inclusive Development of All Regions Act, 2020 were notified to come into force, pending disposal of WP 13203 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of G.O.Mos. No. 155 dated 01-08-2020 issued by the 1st respondent state pending disposal of WP 13203 of 2020, on the file of the High Court.

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to implement the master plan as notified on 23-06-2016 under section 39 of the Andhra Pradesh capital regional development authority Act, 2014 including by finishing the works for which contracts have already been awarded, pending disposal of WP 13203 of 2020, on the file of the High Court.

IA NO: 4 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents not to take any steps whatsoever towards the shifting any of the offices of the State Government and Judiciary, including but not limited to the Raj Bhavan, Chief Ministers Camp Office, offices of the Secretariat, Heads of Departments of the Government, Police Department, State Corporations, State Government Offices, from their current locations in and around Amaravathi, pending disposal of WP 13203 of 2020, on the file of the High Court.

IA NO: 5 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of the Order bearing Rc. No.1203/G2/2016, dated 31.07.2020 issued by the Respondent, pending disposal of WP 13203 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Sai Sanjay Suraneni Advocate for the Petitioners, Advocate General for the Respondent Nos.1 & 2 and of Sri Harinath, Assistant Solicitor General for Respondent No.3.

WRIT PETITION No.13204 OF 2020

Between:

1. Done Sambashiva Rao, S/o. Venkateshwarlu, Aged about 55 Years, Occupation Agriculture, R/o. H.No.8-213, 2nd Ward, near Ramalayam Center, Yerrabalem Village, Mangalgiri, T B Sanitorium, Guntur District, Andhra Pradesh - 522505.
2. Thati Srinivasa Rao, S/o. Ramulu, Aged about 48 years, Occupation. Agriculture, R/o. H.No.1-112, Inavolu Village, Thulluru Mandal, Guntur District, Andhra Pradesh - 522 237.

Petitioner

AND

1. Union of India,, Rep. by its Secretary, Ministry of Home Affairs, Office at Jai Singh Marg, Hanuman Road Area, Connaught Place, New Delhi, Delhi -110 001. Email ID jscpg-mha@nic.in
2. The Secretary,, Niti Aayog. Government of India Office at Sansad Marg, Sansad Marg Area, New Delhi, Delhi 110 001.
3. The Govt. of Andhra Pradesh,, Rep. by its Chief Secretary, Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID cs@ap.gov.in
4. The Special Chief Secretary,, General Administration Department, The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID prlsecy-gpmar-gad@ap.gov.in
5. The Secretary,, Legal and Legislative Affairs and Justice, Law Department The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID secy law@ap.gov.in
6. The Secretary,, A.P. Legislature Secretariat, Department of Legislative Affairs, Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID splsecy.apla@gmail.com
7. The Principal Secretary,, Roads and Buildings Department, The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503 Email ps.apmaud@gmail.com.
8. The Principal Secretary,, Finance and Planning Department, The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. E-Mail info@apfinance.gov.in
9. The Principal Secretary,, Municipal Administration and Urban Development, The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503 Email ps.apmaud@gmail.com.
10. Sri. Y. S. Jagan Mohan Reddy, S/o. Late Y. S. Raja Shekar Reddy, Hon' ble Chief Minister of Andhra Pradesh, aged about 46 years, R/o. 1st Floor, Building-I, Velagapudi Email- cm@ap.gov.in
11. Sri Botcha Satyanarayana,, Minister for Municipal Administration and Urban Development, Office at Room No.135, Ground Floor, Building No.2, Velagapudi, Email satyanarayana.botcha@ap.gov.in peshimaudapl@gmail.com
12. Sri Buggana Rajendranath Reddy,, Minister for Finance and Planning, Legislative Affairs Office at Room No.212, First Floor, Building No.2, Velagapudi Email rajendranath.b@ap.gov.in

Respondents

Petition under Article 226 of the Constitution of India 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 or any other writ, by granting the following reliefs

a. Declaring the Decentralization and Inclusive Development of all Regions Act, 2020 (Act 28 of 2020), to be unconstitutional, infringing the fundamental rights of the writ petitioners under Articles 14, 19 and 21 of the Constitution of India who gave their lands under A.P. Capital City Land Pooling Scheme (Formulation and Implementation) Rules 2015

b. Declaring the Decentralization and Inclusive Development of all Regions Act, 2020 (Act 28 of 2020) to be passed in violation of Articles 196(2) and 197 of the Constitution of India.

c. Declaring the Decentralization and Inclusive Development of all Regions Act, 2020 (Act 28 of 2020).as violative of Articles 174, 248, 253, 266, 275, 293, 295 and 299 of the Constitution of India

d. Declaring the action of the 1st Respondent in recognizing Amaravati as the Capital City for the State of Andhra Pradesh to be in accordance with Section 5, 6 and 94 of the Andhra Pradesh Reorganization Act, 2014 and consequentially to declare Decentralization and Inclusive Development of all Regions Act, 2020 (Act 28 of 2020) as repugnant and void under Article 254 and violative of 256 and 257 of the Constitution of India

e. To declare the Decentralization and Inclusive Development of all Regions Act, 2020 to be in violation of Section 31 read with Entry-78 of List-I (Union. List), Seventh Schedule of the Constitution of India.

f. Declaring the Decentralization and Inclusive Development of all Regions Act, 2020 (Act 28 of 2020) to be in violation of Section 6 (b) and (c) of the General Clauses Act, 1897 and Section 8 (c) and (d) of the Andhra Pradesh General Clauses Act, 1891

g. Declaring the Decentralization and Inclusive Development of all Regions Act, 2020 (Act 28 of 2020) to be in derogation of Doctrines of Promissory Estoppel, Unreasonableness, Irretrievability, Irrationality, Perversity, Malice, Legitimate Expectation, Arbitrariness, Unfairness and Good Governance, which are an extension of the Fundamental Rights conferred on the writ petitioners under Part-III of the Constitution of India

h.To declare the Decentralization and Inclusive Development of all Regions Act, 2020 (Act 28 of 2020) as violative of the Constitutional Right to Property under Article 300-A and also violative of Article 299 of Constitution of India.

i.Declaring the Decentralization and Inclusive Development of all Regions Act, 2020 (Act 28 of 2020) to be in violation of Andhra Pradesh Business Rules 2017 and the All India Service (Conduct Rules), 1968.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay all further proceedings pursuant to the decentralization and inclusive development of all regions Act 2020 coming into force, in the interest of justice, pending disposal of WP 13204 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to alienate or create any third party rights or make any allotment in favour of any third party (s)in so far as the lands comprised in the designated master plan notified under the APCRDA Act, 2014 pertaining to any of the nine notified theme cities in the capital city of amaravati, in the interest of justice, pending disposal of WP 13204 of 2020, on the file of the High Court.

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to spend any money from the state exchequer, for the purpose of creating any infrastructure at visakhapatnam ignoring the existing infrastructure at capital city of Amaravati, in the interest of justice, pending disposal of WP 13204 of 2020, on the file of the High Court.

IA NO: 4 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to shift, any files and other office records and furniture from the interim government complex at Amaravati and any other government offices situation in the capital regional area in the interest of justice, pending disposal of WP 13204 of 2020, on the file of the High Court.

IA NO: 5 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to shift, the Raj Bhavan, secretariat, Head of Departments, Police Head Quarters, Central Investigation Department and other Directorates or any other Government offices, from the capital city of amaravati to visakhapatnam in the interest of justice, pending disposal of WP 13204 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Unnam Sravan Kumar Advocate for the Petitioners, Sri N. Harinath, Asst Solicitor General for the Respondent Nos.1 & 2 and of Advocate General for Respondent Nos.3 to 12.

WRIT PETITION No.13205 OF 2020

Between:

1. Done Sambasiva Rao, S/o. Venkateshwarlu, Aged about 55 Years, Occupation. Agriculture, R/o. H.No.8-213, 2nd Ward, near Ramalayam Center, Yerrabalem Village, Mangalgi, T B Sanitorium, Guntur District, Andhra Pradesh - 522505.
2. Thati Srinivasa Rao, S/o. Ramulu, Aged about 48 years, Occupation. Agriculture, R/o. H.No.1-112, Inavolu Village, Thulluru Mandal, Guntur District, Andhra Pradesh - 522 237.

Petitioner

AND

1. Union of India, Rep. by its Secretary, Ministry of Home Affairs, Office at. Jai Singh Marg, Hanuman Road Area, Connaught Place, New Delhi, Delhi -110 001. Email ID. jscpg-mha@nic.in
2. The Secretary,, Niti Aayog, Government of India. Office at. Sansad Marg, Sansad Marg Area, New Delhi, Delhi 110 001.
3. The Govt. of Andhra Pradesh,, Rep. by its Chief Secretary, Office at. AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID. cs@ap.gov.in
4. The Special Chief Secretary,, General Administration Department, The Govt. of Andhra Pradesh Office at. AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID. prlsecy-gpmar-gad@ap.gov.in
5. The Secretary,, Legal and Legislative Affairs and Justice, Law Department The Govt. of Andhra Pradesh Office at. AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID. secy law@ap.gov.in
6. The Secretary, A.P. Legislature Secretariat, Department of Legislative Affairs, Office at. AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID. splsecy.apla@gmail.com
7. The Principal Secretary, Roads and Buildings Department, The Govt. of Andhra Pradesh Office at. AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503 Email. ps.apmaud@gmail.com.
8. The Principal Secretary, Finance and Planning Department,, The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. E-Mail. info@apfinance.gov.in
9. The Principal Secretary,, Municipal Administration and Urban Development, The Govt. of Andhra Pradesh Office at. AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503 Email. ps.apmaud@gmail.com.
10. Sri. Y. S. Jagan Mohan Reddy, S/o . Late Y. S. Raja Shekar Reddy, Hon' ble Chief Minister of Andhra Pradesh, aged about 46 years, R/o. 1st Floor, Building-I, Velagapudi Email- cm@ap.gov.in
11. Sri Botcha Satyanarayana, Minister for Municipal Administration and Urban Development, Office at Room No.13 5, Ground Floor, Building No.2, Velagapudi, Email. satyanarayana.botcha@ap.gov.in peshimadapl@gmail.com
12. Sri Buggana Raj endranath Reddy,, Minister for Finance and Planning, Legislative Affairs, Office at. Room No.212,,First Floor, Building No.2, Velagapudi Email. rajendranath.b@ap.gov.in

Respondents

Petition under Article 226 of the Constitution of India 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 or any other writ, by granting the following reliefs.

(i) Declaring the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 (Act No.27 of 2020) to be unconstitutional, infringing the fundamental rights of the writ petitioners under Articles 14, 19, and 21 of the Constitution of India who gave their lands under A.P Capital City Land Pooling Scheme (Formulation and Implementation) Rules 2015.

(ii). Declaring the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 (Act No.27 of 2020) to be passed in violation of Articles 196(2) & 197 of the Constitution of India.

(iii). Declaring the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 (Act No.27 of 2020), to be in violation of Section 6 (b) and (c) of the General Clause Act, 1897 and Section 8 (c) and (d) of the Andhra Pradesh General Clauses Act, 1891.

(iv). Declaring the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 (Act No.27 of 2020), to be in violation of Article 299 of the Constitution of India

(v). Declaring the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 (Act No.27 of 2020) to be in derogation of Doctrine of Promissory Estoppel, Unreasonableness, Irritrievability, Unfairness & Good Governance, which are an extension of the Fundamental Rights conferred on the writ petitioners under Part-III of the Constitution of India.

(VI) Declaring the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 (Act No.27 of 2020), to be in violation of "Andhra Pradesh Business Rules 2017" and the "All India Service (Conduct Rules) 1968.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased stay, all further proceedings pursuant and consequential to the "Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 (Act No. 27 of 2020)", or in the alternative directing the Respondents to maintain status-quo in regards to carrying out the governance from the existing infrastructure in the capital city of Amaravati, in the interest of justice, pending disposal of the main writ petition, Pending disposal of WP 13205 of 2020, on the file of the High Court.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased be to direct the respondents, not to allot the land or any other residential or other immovable properties to any third parties in contravention of the "notified master plan" of 9 theme cities and consequently direct the respondents to complete the pending works and of all those buildings and allot them for the specified purpose for which they are being built in the interest of justice, pending disposal of WP 13205 of 2020, on the file of the High Court.

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents, not to alter or change, the notified masterplan of 9 theme cities in the capital city of Amaravati, in the interest of justice, pending disposal of the main writ petition, Pending disposal of WP 13205 of 2020, on the file of the High Court.

IA NO: 4 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents, to commence the abandoned works in the capital city of Amaravati, by completing all the pending projects, including but not limited to the Andhra Pradesh High Court building and also to complete the, residential houses, to be allocated to the High Court Judges, in the interest of justice, pending disposal of the main writ petition, Pending disposal of WP 13205 of 2020, on the file of the High Court.

IA NO: 5 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents, to continue CRDA and its offices, for the purposes of carrying out the unfinished works in the capital city of Amaravati and also for paying the annual annuity to the writ petitioners and landless poor persons, in the interest of justice, pending disposal of the main writ petition, Pending disposal of WP 13205 of 2020, on the file of the High Court.

IA NO: 6 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay the operation of "G.O.Ms.No.155 Dt.01/08/2020 MA&UD Dept." issued by the Government of Andhra Pradesh for constituting and notifying 'Amaravati Metropolitan Region Development Authority' (AMRDA) in exercise of Sections 4(1) and 4(3) of the "Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 (Act No. 27 of 2020)", in the interest of justice, pending disposal of WP 13205 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Unnam Sravan Kumar, Advocate for the Petitioners, Sri N. Harinath, Asst. Solicitor General for the Respondent Nos.1 & 2 and of Advocate General for Respondent Nos.3 to 12.

WRIT PETITION No.13206 OF 2020

Between:

1. Thati Srinivasa Rao, S/o. Ramulu, Aged about 48 Years, Occupation. Agriculture, R/o. H.No.1-112, Inavolu Village, Thulluru Mandal, Guntur District, Andhra Pradesh - 522 237.
2. Done Sambashiva Rao,, S/o. Venkateshwarlu, Aged about 55 Years, Occupation. Agriculture, R/o. H.No.8-213, 2nd Ward, near Ramalayam Center, Yerrabalem Village, Mangalgiri, T B Sanitorium, Guntur District, Andhra Pradesh - 522505

Petitioner

AND

1. The Govt. of Andhra Pradesh,, Rep. by its Chief Secretary, Office at. AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID. cs@ap.gov.in
2. The Principal Secretary,, Municipal Administration and Urban Development, The Govt. of Andhra Pradesh Office at. AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503 Email. ps.apmaud@gmail.com.
3. Sri. G N Rao,, IAS (Retd.) Member Convenor - Expert Committee constituted under G.O.Rt.No.585 Dt.13/09/2019, MA and UD, Govt. of A.P. Vinayaka Temple Road, Patamata, Vijayawada, Krishna District
4. Boston Consulting Group,, Rep.by Saibal Chakraborty, Managing Director and Partner, R/o. 19th Floor, Tower C, DLF Cyber City, Gurugram, 12201

5. Sri. Y. S. Jagan Mohan Reddy, S/o. Late Y. S. Raja Shekar Reddy, Hon'ble Chief Minister of Andhra Pradesh, aged about 46 years, R/o. 1st Floor, Building-1, Velagapudi, Amaravati. Email- cm@ap.gov.in
6. Sri Botcha Satyanarayana,, Minister for Municipal Administration and Urban Development, Office at Room No.135, Ground Floor, Building No.2, Velagapudi, Amaravati. Email. satyanarayana.botcha@ap.gov.in peshimaudapl@gmail.com

Respondents

Petition under Article 226 of the Constitution of India 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, by declaring (1) the 'Expert Committee Report' Dt.20/12/2019. (2) 'Boston Consulting Group Report' Dt.03/01/2020 and (3) the 'High Power Committee Report' Dt.17/01/2020. to be violative of Principle of 'Audi Alteram Partem' and Principles of Natural Justice and also violative of Article 14 of the Constitution of India, on the ground of mala-fides, arbitrariness, perversity and irrationality.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased To Suspend the operation of (1) the 'Expert Committee Report' Dt.20-12-2019, (2) 'Boston Consulting Group Report' Dt.03-01-2020 and, (3) The 'High Power Committee Report' Dt.17-01-2020, in the interest of justice, pending disposal of WP 13206 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Unnam Sravan Kumar, Advocate for the Petitioners and of Advocate General for the Respondents.

The Court made the following COMMON ORDER:

[Proceedings taken up through Video Conferencing]

This writ petition was taken up along with aforesaid three connected writ petitions.

While *Shri Shyam Divan*, learned senior counsel assisted by *Sri Sai Sanjay Suraneni*, learned counsel for the petitioners advanced arguments, *Sri Rakesh Dwivedi*, learned counsel for 1st respondent/State, *Sri S.Niranjan Reddy*, learned Senior Counsel assisted by *Sri Kasa Jagan Mohan Reddy*, learned Standing Counsel, requested the Court to grant ten days time for filing counter affidavit.

While the prayer for adjournment is made by the learned counsel for the respondents, *Sri Shyam Divan*, learned senior counsel for the petitioners tried to persuade the Court to pass an interim order restraining the respondents from proceeding with the matter.

This prayer was seriously objected by the learned counsel for the respondents. However, they insisted for granting ten days time for filing counter affidavit. It was submitted that they have received brief of first writ petition day before yesterday;

and, in the other three writ petitions, they have received brief only today; and as such, a request was made for granting time for filing response.

Considering the request made by the learned counsel for the respondents for filing counter affidavit, it is desirable to grant ten days time for filing counter affidavit. Once a prayer is being made by the learned counsel for the respondents, this Court expects that during the intervening period, they will ensure to maintain *status quo* as on the date.

Accordingly, while directing to list the aforesaid writ petitions, which are connected with the same issue, on 14th of this month, the respondents are directed to maintain *status quo* as on today till then.

Put up on 14.08.2020.

//TRUE COPY//

Sd/- R. KARTHIKEYAN
ASSISTANT REGISTRAR


For ASSISTANT REGISTRAR

To

1. The Chief Secretary, Building-I, State of Andhra Pradesh, 1st floor, Secretariat, Velagapudi, Amaravati, A.P.
2. Andhra Pradesh Capital Region Development Authority, Karl Marx Road, Lenin Centre, Arandalpet, Governorpeta, Vijayawada.
3. The Ministry of Housing and Urban Affairs, Union of India, North Block, New Delhi India- 110001.
4. The Secretary,, Niti Aayog. Government of India Office at Sansad Marg, Sansad Marg Area, New Delhi, Delhi 110 001.
5. The Chief Secretary Government of Andhra Pradesh, Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID cs@ap.gov.in
6. The Special Chief Secretary,, General Administration Department, The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID prlsecy-gpmar-gad@ap.gov.in
7. The Secretary,, Legal and Legislative Affairs and Justice, Law Department The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID secy law@ap.gov.in
8. The Secretary,, A.P. Legislature Secretariat, Department of Legislative Affairs, Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. Email ID splsecy.apla@gmail.com
9. The Principal Secretary,, Roads and Buildings Department, The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503 Email ps.apmaud@gmail.com.
10. The Principal Secretary,, Finance and Planning Department, The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503. E-Mail info@apfinance.gov.in
11. The Principal Secretary,, Municipal Administration and Urban Development, The Govt. of Andhra Pradesh Office at AP Secretariat Complex, Velagapudi, Amaravati, Andhra Pradesh-522503 Email ps.apmaud@gmail.com.
12. Sri. Y. S. Jagan Mohan Reddy, Sib. Late Y. S. Raja Shekar Reddy, Hon' ble Chief Minister of Andhra Pradesh, aged about 46 years, R/o. 1st Floor, Building-I, Velagapudi Email- cm@ap.gov.in
13. Sri Botcha Satyananarayana,, Minister for Municipal Administration and Urban Development, Office at Room No.135, Ground Floor, Building No.2, Velagapudi, Email satyanarayana.botcha@ap.gov.in peshimaudapl@gmail.com
14. Sri Buggana Rajendranath Reddy,, Minister for Finance and Planning, Legislative Affairs Office at Room No.212, First Floor, Building No.2, Velagapudi Email rajendranath.b@ap.gov.in

15. Sri. G N Rao,, IAS (Retd.) Member Convenor - Expert Committee constituted under G.O.Rt.No.585 Dt.13/09/2019, MAandUD, Govt. of A.P. Vinayaka Temple Road, Patamata, Vijayawada, Krishna District
16. Saibal Chakraborty, Managing Director and Partner, Boston Consulting Group,, R/o. 19th Floor, Tower C, DLF Cyber City, Gurugram, 12201
17. One CC to Sri Sai Sanjay Suraneni, Advocate [OPUC]
18. One CC to Sri Unnam Sravan Kumar Advocate [OPUC]
19. One CC to Sri Harinath, Asst. Solicitor General, High Court of A.P. at Amaravati [OPUC]
20. Two CC to Advocate General, High Court of Andhra Pradesh at Amaravati (OUT)
21. One spare copy

TVR

HIGH COURT

RKJ & AVSSJ & MSMJ

DATED:04/08/2020

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ORDER

WRIT PETITION Nos.13203, 13204, 13205 & 13206 OF 2020

STATUS QUO

