

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE TWENTY EIGHTH DAY OF MAY TWO THOUSAND AND TWENTY

:PRESENT:

**THE HONOURABLE SRI JUSTICE A V SESA SAI
AND
THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN**

WP(PUBLIC INTEREST LITIGATION) NO: 127 OF 2020



Between:

Thota Suresh Babu, S/o Rama Rao, aged 38 years, Occ. Journalist / Social Worker, R/o.26-44-165, 7th Line, NGO Colony, Guntur City, Guntur District.

.....Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Chief Secretary, Secretariat, Velagapudi, Guntur District.
2. The Principal Secretary to Government of Andhra Pradesh, Municipal Administration and Urban Development Department, Secretariat, Velagapudi, Guntur District.
3. The Principal Secretary to Government of Andhra Pradesh, Labour Department, Secretariat, Velagapudi, Guntur District.
4. The Principal Secretary to Government of Andhra Pradesh, Home Department, Secretariat, Velagapudi, Guntur District.
5. The Special Officer, Mission of A.P., I. T. Towers, Mangalagiri, Guntur District.
6. The Chief General Manager (Engg.), NBCC (India) Limited, No.26, 2nd Floor, Main Road, Mahalaxmi Nagar, Adambakkam, Chennai-600088.
7. District Collector, Collector Office Rd, R and B Quarters, Guntur, Guntur District.
8. District Collector, District Collector office, Krishna Nagar, Maharani Peta, Visakapatnam, Visakapatnam District.
9. The Commissioner, Guntur Municipal Corporation Grand Trunk Rd., Lalapet, Guntur, Guntur District
10. The Commissioner, Greater Visakhapatnam Municipal Corporation, Plaza Road, Visakapatnam.

.....Respondents

Petition under Article 226 of the Constitution of India, 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 particularly the 2nd respondent in issuing Notice Inviting Officer (NIO) to Outright Sale of land Parcels / Land Assets on behalf of Mission Build AP, Government of Andhra Pradesh, available at Guntur and Visakhapatnam Districts of Andhra Pradesh as is where is basis through E-Auction vide NIO No. NBCC/GM-AP/AP LM-I/2020/1 calling for applications is highly illegal, arbitrary, improper, contrary to law and in violation of Articles 14, 19 and 21 of the Constitution of India and consequently set-aside the NIO No.NBCC/GM-AP/AP LM-I/2020/1;

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 stay of all further proceedings including e-auction relating to NIO No.NBCC/GM-AP/AP LM-I/2020/1 issued by the 2nd respondent, pending disposal of the Writ Petition (PIL) No.127 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.NARRA SRINIVASA RAO Advocate for the Petitioner and of learned Advocate General, Sri Ponnaveolu Sudhakar Reddy for Respondent Nos.1 to 8 and of Sri K.Jagan Mohan Reddy, learned Standing Counsel for Respondent Nos.9 & 10, the Court made the following.

ORDER:

Heard the learned counsel for the petitioners, the learned Additional Advocate General, Sri Ponnaveolu Sudhakar Reddy, and Sri K.Jagan Mohan Reddy, learned Standing Counsel for Guntur Municipal Corporation, apart from perusing the material available on record.

It is contended by the learned advocates for the petitioners that the very action of the respondents in seeking to auction the subject property is highly illegal, arbitrary, without jurisdiction and contrary to Article 266 of the Constitution of India. It is also the submission of the learned counsel for the petitioners that instead of depositing the sale proceeds in the Consolidated Funds, as mandated under Article 266 of the Constitution of India, the respondents are proposing to deposit the amount in some other account, which is impermissible. It is also the submission of the learned counsel for the petitioners that as per the land allotment policy enunciated by the State Government, vide G.O.Ms.No.571,Revenue (Assignment-1) Department dated 14.09.2012, the impugned action cannot be sustained.

It is also the submission of the learned counsel for the petitioners in W.P. (PIL) No.136 of 2020 that the impugned action is also contrary to the master plan of Visakhapatnam Metropolitan Region Development Authority and the land is a recreation area.

On the other hand, it is vehemently contended by the learned Additional Advocate General, Sri Ponnaveolu Sudhakar Reddy and Sri K.Jagan Mohan Reddy that the petitioners have no *locus standi* to question the impugned action and there is no element of public interest in the Writ Petitions. It is the further submission of the learned counsel that the subject lands are government lands and in order to implement the welfare schemes of the State Government, the impugned action is initiated and the same cannot be faulted, and it is being done in the larger public interest. It is also the submission of the learned counsel that since it is a policy matter of the State Government, the same cannot be assailed by way of Writ Petitions under Article 226 of the Constitution of India.

It is also the submission of the learned Additional Advocate General that in order to have a transparency in the process of bidding, the work has been entrusted to the respondent No.6, which is a Government of India undertaking.

It is also brought to the notice of this Court by the learned Additional Advocate General that the proposed process of auction has been adjourned to 11th, 12th and 13th of June, 2020.

All these contentions raised by the learned counsel are required to be examined in detail and to be considered in elaborate manner after filing counter affidavits in all the matters.

Therefore, in the interest of all the parties, this Court deems it appropriate and apt to pass the following order:

“Post on 18.06.2020 for filing counters in all the Writ Petitions. In the meanwhile, the process of bidding may go on, but finalization shall be deferred.”

Sd/- K. MURALI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Chief Secretary, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The Principal Secretary to Government of Andhra Pradesh, Municipal Administration and Urban Development Department, Secretariat, Velagapudi, Guntur District.
3. The Principal Secretary to Government of Andhra Pradesh, Labour Department, Secretariat, Velagapudi, Guntur District.
4. The Principal Secretary to Government of Andhra Pradesh, Home Department, Secretariat, Velagapudi, Guntur District.
5. The Special Officer, Mission of A.P., I. T. Towers, Mangalagiri, Guntur District.
6. The Chief General Manager (Engg.), NBCC (India) Limited, No.26, 2nd Floor, Main Road, Mahalaxmi Nagar, Adambakkam, Chennai-600088.
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8. The District Collector, District Collector office, Krishna Nagar, Maharani Peta, Visakapatnam, Visakapatnam District.
9. The Commissioner, Guntur Municipal Corporation Grand Trunk Rd., Lalapet, Guntur, Guntur District
10. The Commissioner, Greater Visakhapatnam Municipal Corporation, Plaza Road, Visakapatnam. (1 to 10 by RPAD)
11. One CC to SRI.NARRA SRINIVASA RAO Advocate [OPUC]
12. Two CCs to GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT, HIGH COURT OF A.P. (OUT)
13. Two CCs to GP FOR THE ADVOCATE GENERAL, High Court Of Andhra Pradesh. [OUT]
14. One CC to Sri.K.Jagan Mohan Reddy, Standing Counsel (OPUC)
15. Two spare copies

SRL

HIGH COURT

AVSSJ & BKMJ

DATED:28.05.2020

NOTED: POST ON 18.06.2020 FOR FILING COUNTERS

ORDER

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DIRECTION

