

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16749 of 1994

Between:

T. Krishna Murthy S/o T. Radha, R/o H.No.12-2-2, Nidadavolu,
West Godavari Dist.

..... PETITIONER

AND

1 The Govt. of A.P., rep. by its Secretary, Municipal
Administration, Secretariat, Hyderabad.

(dismissed for default vide Court order dt.20-06-2001)

2 The Commissioner, Nidadavolu Municipality, Nidadavolu, West
Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more especially one in the nature of Writ of Mandamus declaring that the Provision to Section 91 of the A.P. Municipalities Act, 1965 as introduced by Act.No.20/89 is void and unenforceable and also restraining the 2nd respondent herein for not collecting the penalty towards the house tax of the petitioner bearing H.No.12-2-2 situated in Nidadavolu, Nidadavolu Municipality, West Godavari Dist. through his demand notice dt: 5-5-1994 bearing Assessement No.7213.

Counsel for the Petitioner:MR.B.TARAKAM

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMN. & URBAN DEV.
Counsel for Respondent No.2: Standing Counsel for MCH

The Court made the following O R D E R (Per the Hon’ble Sri Justice Bilal Nazki):

The writ petitioner challenged the amendment to Section 91 of the Andhra Pradesh Municipalities Act, 1965, as introduced by Act 20 of 1989.

Government of Andhra Pradesh and the Commissioner of Nidadavolu Municipality were made as respondents. As against Government of Andhra Pradesh, writ petition has been dismissed in default by order of this Court dated 20th June, 2001. No steps have been taken to restore the petition as against the State of Andhra Pradesh. In these circumstances, the writ petition cannot be decided on merits. Hence, the same is dismissed. No order as to costs.

(BILAL NAZKI, J)

31st August, 2004.

(S.ANANDA REDDY, J)

vrn

To

1 The Commissioner, Nidadavolu Municipality, Nidadavolu, West
Godavari Dist.

2 Two C.Cs to the Government Pleader for Municipal
Administration and Urban Development, High Court Buildings,
A.P., Hyderabad (OUT)

3 Two C.D copies