

IN THE SUPREME COURT OF INDIA
(S.C.R. ORDER XXI RULE 3(1) (a))
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION
(Under Article 136 of the Constitution of India)
SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2020
WITH PRAYER FOR INTERIM RELIEF

IN THE MATTER OF:

POSITION OF PARTIES

The State of Andhra Pradesh
Represented by its Chief Secretary
Building -I, 1st Floor,
Secretariat, Velagapudi,
Amaravati, A.P.

In the High
Court
Respondent
No.1

In this Hon'ble
Court
Petitioner

VERSUS

1. Rajadhani Rytu Parirakshana
Samithi, A society registered under
the Societies Act bearing
Registration No.283 of 2016,
having its office at H.No.11-94,
Tallur, Amaravati, Andhra Pradesh,
Rep. by its Secretary, Sri Dhanekula
Rama Rao

Petitioner
No.1

Contesting
Respondent
No.1

- | | | | |
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| 8. | Union of India
Through its
Ministry of Housing and Urban
Affairs, North Block,
New Delhi India – 110001 | Respondent
No.3 | Contesting
Respondent
No.8 |
| 9. | Andhra Pradesh Capital Region
Developoment Authority, Karl
Marx Road, Lenin Centre,
Arandalpet, Governorpeta,
Vijayawada | Respondent
No.2 | Proforma
Respondent
No.9 |

TO

THE HON’BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUDGES OF THE

SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The present Special Leave Petition is being filed against the Order dated 04.08.2020 passed by the Hon'ble High Court of Andhra Pradesh of Andhra Pradesh in Amaravati in W.P. No. 13203 of 2020. By way of the said Order, the Hon'ble High Court, without event a *prima-facie* finding on the aspect of constitutional validity, has been pleased to stay the operations of two legislations passed by the State of Andhra Pradesh.

2. QUESTIONS OF LAW

The questions of law of general and public importance which arise for determination of this Hon'ble Court in this Petition are:

- A. Whether the Hon'ble High Court could have stayed a Legislation without even recording a *prima facie* finding as to its constitutional invalidity?
- B. Whether the Impugned Order passed by the Hon'ble High Court is contrary to the wells settled legal position that a Statute is deemed to be valid until the Court, on a detailed examination, finds otherwise ***beyond reasonable doubt?***

3. DECLARATION IN TERMS OF RULE 3(2)

The Petitioner states that no such or similar Petition seeking leave to appeal has been filed by it against the Impugned Judgment dated against the final order and judgment dated 19.05.2020 passed by

the Hon'ble High Court of Andhra Pradesh at Amaravathi in W.P.

No. 13203 of 2020

4. DECLARATION IN TERMS OF RULE 5

The Annexures P-1 to P-_____ produced along with the SLP are true copies of the documents which formed part of the records of the case in the Hon'ble High Court against whose order the leave to appeal is sought for in this Petition.

5. GROUNDS

- A. BECAUSE the impugned judgment is contrary to the settled legal principle that a legislation is deemed to be valid until conclusively proved otherwise.
- B. BECAUSE it is settled law that a Court cannot grant a stay on the operation of a legislation without even recording of prima facie finding as to its invalidity.
- C. BECAUSE the request made by the State to file a reply was a reasonable request considering that most of the matters were served on the Petitioner's late at night on 03.08.2020.
- D. BECAUSE the observation of the Hon'ble High Court that a status-quo was granted in view of the request made by the Petitioner herein for adjournment is ex-facie, unsustainable.
- E. Because the order passed by the Hon'ble High Court has created a legal vacuum.

6. GROUNDS FOR INTERIM RELIEF

- a) The Hon'ble High Court has been pleased to stay the operation of the legislations which is in violation of the settled legal position as laid down by this Hon'ble Court in a host of judgements as mentioned above.
- b) The Petitioner before the High Court was not able to demonstrate the existence of a prima facie case in support of stay.
- c) Additionally, the balance of convenience was in favour of the Petitioner herein since it is settled legal position of law that a legislation is deemed to be constitutionally valid until otherwise decided by the Court after a detailed hearing. The Petitioner before the High Court was also not able to demonstrate any irreparable loss that would be caused.
- d) It may be mentioned that the Petitioners (before the High Court) claim to be farmers in the City of Amravathi. It is pertinent to note that all their rights have been duly protected under the Repeal Act. Thus, no cause of action has arisen in favour of the Petitioners before the High Court. Further, as a result of the Order passed by the High Court a legal vacuum has been created. The interim order granted by the High Court is therefore *ex facie* unsustainable and deserves to be set aside at the earliest.

7. MAIN PRAYER

In view of the above it is most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) grant Special Leave to appeal against the Impugned order dated-04.08.2020 passed by the Hon'ble High Court of Andhra Pradesh in Amaravati in W.P. No. W.P. No. 13203 of 2020
- (b) pass any other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

8. PRAYER FOR INTERIM RELIEF

In view of the above it is most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) ad-interim ex-parte stay the effect of the Impugned order dated 04.08.2020 passed by the Hon'ble High Court of Andhra Pradesh of Andhra Pradesh in Amaravati in W.P. No. W.P. No. 13203 of 2020;
- (b) pass any other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS ARE DUTY BOUND SHALL EVER PRAY.

MAHFOOZ AHSAN NAZKI
ADVOCATE-ON-RECORD
ADVOCATE FOR THE PETITIONER

DRAWN ON:08.2020

FILED ON:08.2020