

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No. 17215 of 2011

ORDER:

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The case of the petitioner is that she purchased a plot No.EWS-C-325 in T.S.No.35/7 and 32/1 of Ward No.1 in Tenali, Guntur District, from one Fathimunnisa Begum under a registered Sale Deed dated 24.12.2008. Subsequently, she submitted an application dated 21.11.2009 to the respondents for construction of a building comprising of ground and first floor by paying the requisite charges and the 1st respondent accorded permission. During the course of construction, she submitted another application on 24.12.2009 for construction of second floor. As no orders were passed on the said application, she proceeded with the construction of the second floor. Thereafter, the 2nd respondent assessed the tax for the entire building and issued a special notice demanding to pay an amount of Rs.599/- for the year 2010-2011 which was paid on 31.03.2011. While so, the 2nd respondent issued a show cause notice on 21.04.2011 stating that the construction of second floor is unauthorized and sought for explanation, for which, she submitted an explanation on 25.04.2011 and the same is pending. Challenging the same, the present writ petition is filed.

A counter affidavit is filed on behalf of the 2nd respondent contending that without obtaining prior permission from the 1st respondent, the petitioner has made the construction of second floor. Hence, the impugned notice was issued to her.

Heard learned counsel for the petitioner and learned counsel for the respondents.

The grievance of the petitioner is that without passing any orders on the explanation submitted by her to the show cause notice, the respondents are now trying to demolish the structures made in the second floor of the building.

This Court while admitting the writ petition granted interim stay of demolition of structures made in the second floor of the building of the petitioner till disposal of the writ petition in W.P.M.P.No.20683 of 2011 by an order dated 22.06.2011. It is to be seen that having issued a show cause notice dated 21.04.2011 calling for an explanation, the 2nd respondent should have considered the explanation submitted

by the petitioner and pass orders thereon.

In view of the above and in the facts and circumstances of the case, the 2nd respondent is directed to consider the explanation dated 25.04.2011 submitted by the petitioner to the show cause notice dated 21.04.2011 and pass appropriate orders, in accordance with law. Till then, the interim stay granted by this Court on 22.06.2011 shall continue.

With the above direction, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

A. RAJASHEKER REDDY, J.

23rd June, 2015

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