

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 15012 of 2015

Date :08-06-2015

Between :

Sri Silko super showroom,
D No. 28-3-90, Besent Road, Governorpet,
Vijayawada- 520002 & others

... Petitioners

and

Vijayawada Municipal Corporation,
Rep by its Commissioner,
Vijayawada ,Krishna district and others

... Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 15012 of 2015

ORDER:

With the consent of learned counsel for petitioners and learned standing counsel appearing for Vijayawada Municipal corporation, the writ petition is taken up for final disposal at the stage of admission.

2. This writ petition is instituted aggrieved by the notice dated 16.5.2015 issued under Section 456 of the Hyderabad Municipal Corporation Act directing the petitioners and others to remove or strengthen the building within three days.

3. Learned counsel for petitioners submits that the building is not in dilapidated condition as sought to be made out in the impugned notice and the condition of the building is good. That the petitioners are carrying on their business without any hindrance and there is no structural damage caused to the building nor there is any danger to the passers by on account of the condition of the building. He further submits that in the report submitted by the officials of respondent corporation in October, 2014, they have certified the structural stability of the building and have categorically stated that there is no danger to the building. He further submits that the impugned action of the respondents is ex-facie illegal and that no prior opportunity was afforded before mandating to vacate the premises or to undertake the repairs within short period.

4. Learned standing counsel representing Vijayawada Municipal Corporation is fair

in submitting that if the petitioners submit a structural report by a qualified person preferably from a leading Engineering college or University, same may be considered accordingly and that notice issued on 16.5.2015 would be treated as one issued under Section 459 of the Act and after affording due opportunity to petitioners, appropriate orders would be passed in the matter.

5. Having regard to the same, petitioners are directed to obtain structural report of the subject building from Jawaharlal Nehru Technological University, Kakinada and if said University expresses inability to undertake such assignment for any valid reasons, from Siddartha Engineering College, Vijayawada and submit the same along with their explanation to the respondent corporation within four weeks from the date of receipt of copy of this order. Such report shall be prepared in presence of engineers of the Municipal Corporation. On submission of the report and explanations by the petitioners, the respondent corporation shall afford opportunity of personal hearing to petitioners or their representatives, consider the objections raised by them and pass appropriate final orders in accordance with law within a period of four weeks thereafter. Until final orders are passed by the respondent corporation, no coercive steps shall be taken against the petitioners. In the meanwhile petitioners shall forthwith take all precautions for the stability of the building and safety of neighbors and passers by.

Subject to above, writ petition is disposed of. No costs. Having regard to the same, all old miscellaneous petitions are closed.

P NAVEEN RAO,J

DATE: 08.06.2015

Note: Copy in 3 days

B/o

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HONOURABLE SRI JUSTICE P. NAVEEN RAO

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