

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION NO. 23003 of 2015

Between:

K.Srivalli, W/o. Gurunath Gupta,
Aged 52 years, R/o.H.No.47/11B,
Bose Nagar, Rayachoti, YSR Kadapa District.

.. Petitioner

AND

State of Andhra Pradesh, rep.by its Principal
Secretary, Municipal Administration and Urban
Development Department, AP Secretariat,
Hyderabad and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 24.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : Yes / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked: Yes / No
to Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : Yes / No
Copy of the Judgment ? :

HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.23003 of 2015

ORDER:

Petitioner claims to have purchased a small plot in Sy.Nos.775/1 and 776/1 of Rayachoti Bose Nagar. He has applied permission for construction of ground and first floor and permission was granted in May, 2013. However, petitioner admits of some deviations in making constructions. On the issue of illegal construction made, writ petitions are pending before this Court. In the mean time, Government notified scheme of regulation of illegal constructions made vide G.O.Ms.No.128 Municipal Administration and Urban Development (M1) Department, dated 22.05.2015. By referring to certain provisions of the said G.O., and contending that because of the said provisions, building regularization application cannot be accepted by the respondents, petitioner filed W.P.No.19883 of 2015. This Court disposed of the said writ petition by order dated 02.07.2015 giving directions to provisionally assess the property claimed by the petitioner for the purpose of enabling him to submit an application for regularization. Further directed that on making provisional assessment, the amount whatever is payable shall be received and a receipt be issued to that extent. This Court made clear that grant of such provisional assessment, payment of amount assessed shall be subject to the result of W.P.Nos.28423, 32932 and 38988 of 2014.

2. This writ petition is filed seeking similar relief as sought therein

on the ground that in spite of directions issued by this Court, so far assessment is not made and amount payable is not determined, whereas deadline is already fixed to receive application.

3. As seen from the orders passed by this Court in W.P.No.19883 of 2015, the interest of the petitioner is sufficiently protected insofar as claim for submission of application for regularization under G.O.Ms.No.128, dated 22.05.2015 is concerned. If it is the case of the petitioner that the order of the Court in the Writ Petition No.19883 of 2015 is violated, petitioner has to initiate contempt proceedings under the Contempt of Courts Act, 1971, complaining such violation, but there cannot be a fresh writ petition seeking same relief and there cannot be further direction on the same issue as already covered in W.P.No.19883 of 2015. Therefore, I see no merit in the writ petition and accordingly it is dismissed. This order cannot be construed as overriding the earlier orders passed nor offending the rights of petitioner flowing there from.

Miscellaneous petitions if any pending in the writ petition shall stand closed. No costs.

**JUSTICE P.NAVEEN
RAO**

Date : 24.07.2015
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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 24.07.2015

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