

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.5763 of 2015

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Between:

1. Penmetsa Satyanarayana Raju and others.

PETITIONERS

AND

The Greater Visakhapatnam Municipal Corporation,
Asilimetta Junction,
Visakhapatnam
Rep. by its Commissioner.

RESPONDENT

ORDER:

This writ petition is filed seeking to declare the impugned Notice in Rc.No.2317/2015/ACP.II, dated 21.02.2015 issued by the respondent corporation, as illegal and arbitrary.

The case of the petitioners is that they are the owners and possessors of certain shops in House No.53-17-46, situated in Sy.No.49/198 of Maddilapalem village in Visakhapatnam Municipal Corporation, having purchased the same under registered sale deeds dated 13.04.1993 from M/s. Raja Associates, Visakhapatnam. The said Raja Associates obtained building permission in Rc.No.1186/92/ACP-II, dated 13.08.1993 for construction of Ground + 4 floors and constructed the building as per the sanctioned plan. While so, the respondent issued the show notice dated 21.02.2015 under Section 452 and 461 of the Hyderabad Municipal Corporation Act, 1955 on the ground that the shops were constructed in the area earmarked for parking ,place contrary to the provisions, rules and regulations of the Act. On receipt of the said show cause notice, the petitioners submitted their explanation dated 24.02.2015 to the respondent-Corporation. It is the grievance of the petitioners that without considering their explanation and without following due procedure, the respondent-Corporation is trying to demolish the shops which are form part of the show cause notice. Hence the present writ petition is filed.

Heard learned counsel for the petitioner and Sri S. Lakshminarayana Reddy, learned Standing Counsel for the respondent-Corporation.

Having issued the show cause notice and received the explanation submitted by the petitioners, the respondents have to take any action if the petitioners violated the provisions of the Hyderabad

Municipal Corporation Act, 1955.

In view of the same, the writ petition is disposed of directing the respondent-Corporation to consider the explanation submitted by the petitioners and pass appropriate orders as expeditiously as possible after following due procedure prescribed by law. Till such orders are passed, status quo obtaining as on today shall be maintained by both the parties. No order as to costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKER REDDY, J.

6th March, 2015
Js.