

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.9948 of 2015

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ORDER:

This writ petition is filed for issuance of a *Mandamus* declaring the action of the 2nd respondent in issuing notice dated 18.02.2015, directing the petitioner to remove structures constructed in the ground floor bearing Door No.58-1-284, Sri Sai Villa Mansion Complex, N.A.D.Junction Road, Visakhapatnam, as being illegal and arbitrary and violative of Articles 14 and 300-A of the Constitution of India and consequently to quash the proceedings dated 18.02.2015.

The case of the petitioner is that he obtained permission from the 2nd respondent-Greater Visakhapatnam Municipal Corporation for construction of the said building consisting of ground plus two floors along with a clear permission to raise a permanent structure in an area of 28.44 Sq.mtrs. and staircase in the ground floor. After completion of construction, the officials of the 2nd respondent inspected the premises and assessed the tax. The 2nd respondent issued the impugned notice dated 18.02.2015 under Sections 452 and 461 of the Hyderabad Municipal Corporation Act, 1955, directing the petitioner to show cause as to why the structures constructed in stilt/cellar meant for parking space shall not be removed. The petitioner submitted his explanations on 07.03.2015 and 21.03.2015, but the same were not considered and no orders are passed. Hence, this writ petition.

Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration appearing for the 1st respondent and Sri S.Lakshmi Narayana Reddy, learned Standing Counsel appearing for the 2nd respondent.

On 09.04.2015, when this Court wanted to dispose of the writ petition, with a direction to the 2nd respondent to consider the explanation of the petitioner in

response to the impugned notice dated 18.02.2015, learned counsel for the petitioner has emphatically stated that the petitioner has not made any structures in deviation of the approved plan and requested this Court to call for a report to find out the exact position. Accordingly, as per the directions of this Court, the report was received, which reveals that the petitioner has constructed stilt floor for commercial purpose. Since already impugned notice is issued and petitioner filed explanation in respect of stilt/cellar, the respondents are directed to take decision thereon, expeditiously. Till such time, status quo obtaining as on today shall be maintained by both the parties. Since the report is called for at the instance of the petitioner and some violations are alleged in violation of the approved plan, it is open for the respondents to take action in respect of further violations according to law.

With the above directions and observations, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

Date: 21-04-2015

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