

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

WRIT PETITION NO.25244 of 2015

Between :

Jagu Govindu S/o.J.Kondala Rao,
Aged 39 yrs, Occu : Business,
R/o.D.No.30-11-38, Jyothula Vari Street,
Suryanarayanapuram, Kakinada, E.G. District & another.

.. Petitioners

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration and Urban Development,
A.P.Secretariat Buildings, Hyderabad & others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 12.08.2015

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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 : Yes / No
may be allowed to see the Judgments ?

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

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

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25244 of 2015

ORDER :

With the consent of learned counsel for petitioners and learned standing counsel appearing for Kakinada 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 24.7.2015 issued under Section 456 of the Hyderabad Municipal Corporation Act directing the petitioners and others to remove the building within seven days.

3. Learned counsel for petitioners submit 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 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 and the same is vitiated on that ground alone.

4. Learned standing counsel representing Kakinada 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 24.7.2015 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 explanations 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.

12th August, 2015.
Rds

P.NAVEEN RAO,J