

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10737 OF 2015

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in issuing the impugned notice under Section 348 of A.P.Municipalities Act, 1965 vide Roc.No.215/201/G1, dated 06.04.2015 though the petitioner constructed the house as per the approved plan as illegal and arbitrary and consequently to direct the 2nd respondent not to take any coercive steps for demolition of the subject property.

It is stated that the petitioner is the house wife and husband served in the defence and that the Government has allotted land to an extent of Ac.4.00 cents in Sy.No.160/1 of R.K.Battidivalasa village of Parvathipuram Mandal, Vizianagaram District, which is a poramboke land under the ex-servicemen quota, by way of granting D Patta vide file No.8/1416, dated 05.02.2007. Thereafter, the petitioner and her family cultivating the said land by dry crops by spending huge amounts. Thereafter, the husband of the petitioner, constructed a house after obtaining necessary permissions from the 2nd respondent. While so, the 2nd respondent is threatening to dump the municipal garbage at the site of the petitioner and the same is questioned by the petitioner, as such, the 2nd respondent issued the impugned notice dated 06.04.2015 under Section 348 of A.P.Municipalities Act, 1965. Aggrieved by the same, the petitioner filed explanation on 08.04.2015 in response to the said notice. But without considering the same, the respondents are trying to take action against the petitioner property. Aggrieved by the same, the present writ petition is filed.

Heard Sri Karri Suryanarayana, learned Counsel for the petitioner as well as Sri Nimmagadda Venkateshwarlu, learned Standing Counsel for the respondent Municipality.

Since it is stated that the petitioner has already filed explanation dated 08.04.2015 in response to the impugned notice dated 06.04.2015, it is for the

2nd respondent to consider the same and take appropriate decision.

In view of the above, the 2nd respondent is directed to consider the explanation submitted by the petitioner dated 08.04.2015 in response to the impugned notice dated 06.04.2015 and pass appropriate orders in accordance with law. Till such orders are passed, *status quo* obtaining as on today shall be maintained.

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

A.RAJASHEKER REDDY, J

15.04.2015

kvs

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Date: 15.04.2015

kvs

