

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.8442 of 2012

ORDER:

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This writ petition is filed seeking the following relief/s:

'...to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent and its subordinates in trying to demolish the pillars on the 5th floor of the petitioner's building i.e., Vaibhav Fort bearing Premises No.3B-15-1/1, Agraharam, Eluru, West Godavari District, as illegal, arbitrary and unjust and consequently direct the respondent and its subordinates not to demolish the structures of the building bearing i.e., Vaibhav Fort Premises No.3B-15-1/1, Agraharam, Eluru, West Godavari District, and pass such other order....'

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the writ petitioner and the learned Standing Counsel appearing for the 1st respondent Corporation. I have perused the material record.
3. The learned counsel for the petitioner would submit that the writ petition is filed to direct the respondent and its subordinates not to demolish the structures in the subject property of the writ petitioner and that subsequent to the filing of the writ petition, an application for regularisation was submitted by the petitioner to the respondent as per a Government Order recently issued and that the same is pending consideration before the respondent and that, therefore, the writ petition may be disposed of giving appropriate directions to the respondent not to take coercive action against the constructions till the disposal of the regularisation application in accordance with the procedure established by law.
4. The learned Standing Counsel for the respondent would submit that the writ petitioner, having filed this writ petition and having obtained an interim order of *status quo* had proceeded with the constructions and that when action is being taken in accordance with the procedure established by law, he might have filed an application for regularisation and, therefore, the respondent may be given liberty to consider and dispose of any such application for regularisation filed by the writ petitioner before proceeding further in the matter as per law.
5. Recording the submissions, the writ petition is disposed of directing the respondent to consider and dispose of the application for regularisation said to have been submitted by the writ petitioner in accordance with the procedure established by law and also by giving an opportunity of personal hearing, if so desired by the writ petitioner. It is needless to mention that till the disposal of the said application for regularisation of the petitioner, both the parties shall maintain *status quo* obtaining as on today. It is made clear that the respondent shall be at liberty to proceed further in the matter, if necessary, in strict accordance with the procedure established by law, subject, however, to the final decision on the application for regularisation submitted by the writ petitioner. No costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

M. SEETHARAMA MURTI, J

22.12.2015
Vjl