

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.36870 of 2015

Dated 13.11.2015

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Between:

V.Suseela

... Petitioner

and

-

The State of Andhra Pradesh

rep. by its Secretary

Municipal Administration Dept.,

Hyderabad and another.

...Respondents

Counsel for the petitioner: Mr.TVVK.Rao

Counsel for respondent No.1: GP for Municipal Administration (AP)

Counsel for respondent No.2: None appeared

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the inaction of respondent No.2, in considering the petitioner's reply, dated 09-10-2015, to notice in B.A.No.2015 – TPBAG1-0018, dated 28-09-2015, as illegal and arbitrary. The petitioner sought for a direction to respondent No.2 to consider the said reply.

I have heard the learned Counsel for the parties and perused the record.

The petitioner has obtained building permission, on 19.08.2015, from respondent No.2 for construction of ground + two upper floors for commercial purpose. On 28.09.2015, respondent No.2 has issued a notice wherein it is alleged that though permission for cellar was not granted, cellar is being constructed and that the petitioner has also violated the setbacks on all the four sides. Therefore, respondent No.2 has called upon the petitioner to show cause within seven days as to why he shall not remove the constructions made in violation of the sanctioned plan, failing which, 10% of the property, which was mortgaged to the Corporation will be put to public auction. The petitioner pleaded that immediately on receipt of the said notice, he has submitted his explanation on 05-10-2015 and that the same is not being considered by respondent No.2.

A perusal of the explanation offered by the petitioner shows that she has denied construction of cellar, but, she has not

referred to the allegation of violation of setbacks.

The learned Counsel for the petitioner submitted that so far, no super structure is raised and that the petitioner will strictly conform to the approved building plan and the prescribed set backs, if necessary, by modifying the structure already constructed at the foundation level.

In the light of the above facts and circumstances and the submissions of the learned Counsel for the petitioner, respondent No.2 is directed to consider the petitioner's representation and pass appropriate order within one week from the date of receipt of this order.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.47495 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 13th November, 2015

LUR