

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9449 OF 2012

ORDER

This writ petition is filed for a *writ of mandamus* declaring the proceedings in LR.Roc.No.1470/2011/R2 dated 18.02.2012 issued by the 2nd respondent and consequential notice in Roc.No.5987/2010/G1 dated 26.03.2012 issued by the Commissioner, Bhimavaram Municipality, Bhimavaram, West Godavari, as illegal and arbitrary.

The case of the petitioners is that the respondent authorities without following due process of law issued notice dated 26.03.2012 directing the petitioners to remove the unauthorised constructions. It is also stated that though the petitioner filed appeal against the endorsement dated 09.09.2011 of the Municipal Commissioner, Bhimavaram, wherein the Municipal Commissioner rejected the application of the petitioners for approval of two additional floors which are constructed in deviation of the approved plan before the 2nd respondent, the 2nd respondent rejected the same stating that the proposal submitted by the petitioners is against the building Rules contemplated in G.O.Ms.No.569, M.A., dated 23.08.2008 and the contents of the endorsements for rejection of the proposal issued by the Municipal Commissioner, Bhimavaram hold good.

But however, when the writ petition is taken up for hearing, learned counsel for the petitioners submits that the 1st respondent issued G.O.Ms.No.128 dated 22.05.2015 for regularisation of the constructions made in deviation of the approved plan and in pursuance to the said G.O., the petitioners made application on 15.06.2015.

Heard Sri Nimmagadda Venkateshwarlu, learned Standing counsel for respondents 3 and 4.

In view of the submission made by the learned counsel for the petitioners, without going into the merits of the case, the writ petition is disposed of directing the 1st respondent to dispose of the application

made by the petitioners in pursuance to G.O.Ms.No.128 and thereafter take appropriate action in accordance with law.

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

A.RAJASHEKER

REDDY,J

Date: 26.06.2015

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