

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.36188 of 2015

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05.11.2015

Between:

Manne Ashoknath

.. Petitioner

and

The State of Andhra Pradesh,

represented by its Principal Secretary,

Municipal and Urban Development,

Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.D.Madhava Rao

Counsel for the respondents: Mr.D.Ramesh,

Special Government Pleader (AP)

The Court made the following:

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ORDER:

The petitioner, who has admittedly raised a building in violation of the sanctioned plan, has received a common notice-cum-preliminary order under Section 115(1) of the Andhra Pradesh Capital Region Development Authority Act, 2014 (for short ‘the Act’) to show cause why an order under Section 115(3) of the Act shall not be passed confirming the preliminary order within a period of seven days of receipt of the said notice. Simultaneously, respondent No.2 has also issued a notice under Section 116(1) of the Act directing the petitioner to forthwith stop further construction in view of the violations indulged in by him while raising the construction. The petitioner pleaded that after these notices were issued, he has made an application for regularization of the construction under the Building Penalization Scheme (BPS).

As regards the notice under issued under Section 116(1) of the Act, as the petitioner has admittedly raised construction in deviation of the sanctioned plan, no interference is called for with respect to the said notice. With regard to the notice issued under Section 115(1) of the Act, since the petitioner is stated to have submitted his explanation, respondent No.2 is directed to consider the same, pass an appropriate order and communicate the same to the petitioner, before proceeding

further against the illegal construction.

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

As a sequel to disposal of the writ petition, W.P.M.P.No.46543 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

05th November, 2015

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