

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.10795 OF 2015**

**ORDER:**

This petition is filed for a writ of *Mandamus* declaring the action of the 2<sup>nd</sup> respondent in taking steps pursuant to the notice in Rc.No.126/2015/ACP-AKP, dated 25.03.2015 issued under Section 452 and 461 of the HMC Act, 1955, without considering the objections of the petitioner, as illegal and arbitrary and for a consequential direction to the 2<sup>nd</sup> respondent to drop the said proceedings.

The case of the petitioner is that he has purchased an extent of 355.12 sq.ys of site with construction at D.No.11-1-47 of Trunk Road, Woodpet, Anakapalle vide registered Doc.No.5555/2010, dated 16.12.2010 for a valuable consideration. Thereafter, he applied for approval of the plan for construction of stilt+Ground+2 floors and the same has been approved by the 2<sup>nd</sup> respondent vide proceedings dated 11.05.2011, and accordingly the building was constructed. It is also stated that the petitioner has established a jewellery and textile business in the said premises and obtained all the necessary permissions to run the business. While so, the 2<sup>nd</sup> respondent issued notice dated 25.03.2015 under Section 452 and 461 of the HMC Act, alleging that parking place in the stilt is being used for other purposes and also directing the petitioner to show cause within five days as to why such portion of the structure in question shall not be removed. Immediately, the petitioner submitted his explanation in response to the show cause notice dated 25.03.2015. But, the respondents, without passing any orders on the explanation of the petitioner, trying to remove the structure in the stilt floor. Aggrieved by the same, present writ petition is filed.

Heard learned Counsel for the petitioner and Sri S.Lakshmi Narayana Reddy, learned standing counsel for the 2<sup>nd</sup> respondent.

Since, already the petitioner has filed explanation to the show-cause notice dated 25.03.2015, issued under Section 452 & 461 of the HMC Act, 1955, the 2<sup>nd</sup> respondent may consider the same in accordance with law and take a decision. Till such time, *Status Quo* obtaining as on today shall be maintained by both the parties.

With the above direction, writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition shall stand closed.

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**A.RAJASHEKER REDDY, J**

16.04.2015

Note: Issue C.C by 20.04.2015

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