

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE NINTH DAY OF MARCH,
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP .NO: 5934 of 2015

Between:

M/s Sita Lakshmi Towers,
Rep. by its GPA Holder, Sri Dharmana Kalidas, S/o Late Satyanarayana,
Occ: Business, R/o: Door No: 9-29-7, Flat No: 401, Sita Lakshmi towers,
CBM Compound, Balaji Nagar, VIP Road, Visakhapatnam-3.

..... Petitioner

AND

- 1 The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration Department, Secretariat Buildings, Secretariat, Hyderabad.
- 2 The Commissioner, Greater Visakha Municipal Corporation, Visakhapatnam, Visakhapatnam District.
- 3 The Zonal Commissioner, Zone-II, GVMC, Visakhapatnam, Visakhapatnam District.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents 2 & 3 in trying to demolish the petitioners shop 350 Sq.ft in his residential apartment constructed under BPS scheme (2010), issue of notice U/Sec 452 and 461 of HMC Act dt.20.02.2015, pending consideration of the petitioner's reply dt.05.03.2015 to regulate and penalized construction of the shop in deviation of sanctioned plan as one time measure U/Sec 455-AA of HMC Act under the Andhra Pradesh Municipal Laws and Urban Areas (Development) (Second Amendment) Act 2008 empowering the 2nd respondent to levy such penal amount regularize the petitioner shop and issue of occupancy certificate to the owner or the individual, non payment of land compensation to the acquired land admeasuring 170 Sq.Yds out of 523 Sq.Yds for road winding purpose even after lapse of ten years, as illegal, arbitrary, unconstitutional, colourable exercise of power, violative of well settled principles of natural justice apart from violative of article 14, 19 (i) (g), 21 and article 300-A of constitution of India, consequently direct the 2nd respondent to consider the reply dt.05.03.2015 and regularize the petitioners shop constructed in the residential apartment U/Sec 455-AA of HMC (Amended) Act 2008.

WPMP No.7917 of 2015

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in the W.P., the High Court may be pleased to direct the 2nd respondent not to demolish the petitioner shop i.e., in the residential

apartment at Door No.9-29-7, Sita Lakshmi towers, CBM Compound, Balaji Nagar, VIP Road, Visakhapatnam-3, pending disposal of WP No.5934 of 2015 on the file of the High Court.

WPMP No.7918 of 2015

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in the W.P., the High Court may be pleased to direct the 2nd respondent to consider the petitioner's reply dated 05-03-2015 and regulate and penalize the petitioner shop at Door No.9-29-7, Sita Lakshmi towers, CBM Compound, Balaji Nagar, VIP Road, Visakhapatnam-3, as per Sec.455-AA of HMC Act of 2008 (2nd amendment), pending disposal of WP No.5934 of 2015 on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of Sri Godey Satish, Advocate for the Petitioner, G.P. for Municipal Administration (AP) for Respondent No.1 and Sri S. Laxmi Narayana Reddy, learned Standing Counsel for Respondent Nos.2 & 3, the Court made the following

ORDER:

Sri S. Laxmi Narayana Reddy, learned Standing Counsel takes notice for the respondents.

Post on 10-3-2015 in the motion list.

Status quo obtaining as on today shall be maintained.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Municipal Administration Department, State of Andhra Pradesh, Secretariat Buildings, Secretariat, Hyderabad.
 - 2 The Commissioner, Greater Visakha Municipal Corporation, Visakhapatnam, Visakhapatnam District.
 - 3 The Zonal Commissioner, Zone-II, GVMC, Visakhapatnam, Visakhapatnam District.
- (Addressees 1 to 3 BY RPAD)**
- 4 One CC to Sri Godey Satish, Advocate (OPUC)
 - 5 Two CCs to the G.P. for Municipal Administration (AP), High Court, Hyderabad. (OUT)
 - 6 One spare copy.

nnr

HIGH COURT

ARR,J

DATED: 09-03-2015

NOTE: Post on 10-3-2015 in motion list

ORDER

W.P.NO. 5934 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 09-03-2015

ARR,J

DATED: 09-03-2015

NOTE: Post on 10-3-2015 in motion list

ORDER

W.P.NO. 5934 OF 2015

DIRECTION

