

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.509 OF 2015

ORDER

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This writ petition is filed seeking *Writ of Mandamus* declaring the action of the respondents in trying to demolish the building of the petitioner in land admeasuring 266 sq.yards in R.S.No.9/3, situated at Yenamalakuduru Village, Penamaluru Mandal, Krishna District, without serving the show cause notice dated 08.01.2015 and without serving orders dated 08.01.2015, as illegal and arbitrary and consequently to set aside the same and direct the respondents not to demolish the subject building of the petitioner.

The case of the petitioner is that he is the absolute owner and possessor of land admeasuring 266 sq.yards in R.S.No.9/3, situated at Yenamalakuduru Village, Penamaluru Mandal, Krishna District. While so, on 17.01.2015, the officials of the respondent authorities tried to demolish the construction of the petitioner's building, informing the petitioner that they have issued show cause notice dated 08.01.2015 to one Sri Velagapudi Venkata Narayana before initiating action. But the petitioner submits that the said person is his vendors' vendor and is no way related to the present building. He further submits that the respondents have served the notice to a third person instead of serving on him. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

On the other hand, Smt. Manideepika, learned Standing counsel for 2nd respondent on instructions submits that the petitioner will be issued fresh notice before initiating the action.

In view of the submission made by the learned Standing counsel for respondents, this writ petition is disposed of directing the 2nd respondent to issue fresh notice to the petitioner. However, it is open for the petitioner to submit his explanation to the same and thereafter, the 2nd respondent may consider the same and pass appropriate orders thereon in

accordance with law. Till then, *status-quo* shall be maintained by both the parties.

Accordingly, the writ petition is disposed of. The miscellaneous petitions if any in this writ petition shall stand disposed of. There shall be no order as to costs.

A.RAJASHEKER REDDY,J

Date: 19.02.2015

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