

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.12578 of 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the action of the 2nd respondent in issuing notice vide proceeding UC No.15/2015, dated 10.03.2015 to the petitioner and trying to demolish the petitioner's house bearing Municipal No.8-2-94/2 (Old), 8-2-94/1 (new), situated at Ambedkarnagar, Old Tandur, Tandur Municipality, Ranga Reddy District, as illegal and arbitrary.

It is the case of the petitioner that she is the absolute owner and possessor of the house bearing No. 8-2-94/2 (Old), 8-2-94/1 (new), situated at Ambedkarnagar, Old Tandur, Tandur Municipality, Ranga Reddy District, having succeeded to the same from her husband late Laxmaiah and after his demise in the year 1990 and since then she is in peaceful possession and enjoyment of the house property. It is stated that her husband has constructed the house over the property by obtaining construction permission from the 2nd respondent vide permit No.C/1972/1985, dated 29.07.1985. It is stated that in the year 2011, the 2nd respondent had issued notice dated 29.11.2011 threatening to demolish the house property. Aggrieved by the same, the petitioner filed O.S.No.12 of 2012 on the file of Junior Civil Judge, Tandur, Ranga Reddy District against the 2nd respondent and same is pending. Now, the 2nd respondent

has issued impugned notice dated 10.03.2015 directing the petitioner to stop the construction. Aggrieved by the same, present writ petition is filed.

Heard Sri K.Amarnath Reddy, learned counsel for the petitioner as well as Sri N.Praveen Kumar, learned Standing Counsel for the 2nd respondent.

Learned counsel for the petitioner submits that the petitioner is not making any construction and that she has also filed suit O.S.No.12 of 2012 and same is coming up for trial on the file of Junior Civil Judge, Tandur, Ranga Reddy District.

On the other hand, Sri N.Praveen Kumar, learned Standing Counsel for 2nd respondent submits that the petitioner has already filed suit and since there is encroachment on the public road, action is being initiated against the petitioner.

A perusal of impugned notice dated 10.03.2015 shows that it does not indicate as to what is the construction made in violation of the building plan and notice is silent on this aspect. More over, though the petitioner has filed suit, the trial Court has not granted any injunction in favour of the petitioner. Since the petitioner has stated that as on today, she is not making any construction, the present impugned notice does not in any way affect the petitioner.

In view of the same, it is open for the 2nd respondent to issue notice clearly indicating what are the deviations committed by the petitioner, enabling her to file explanation.

As and when such a notice is issued to the petitioner, the petitioner can make representation to the said notice. Till such time, *Status quo* obtaining as on today shall be maintained.

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

A. RAJASHEKER REDDY, J

Date: 27-04-2015

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