

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

**WRIT PETITION No.8330 OF 2012**

**ORDER**

This writ petition is filed for a *writ of mandamus* declaring the action of the respondents in taking steps to demolish the structures of the petitioners bearing D.No.11-94, 12-21/1 and 3-23 of Penamanuru Gram Panchayat and Mandal, Krishna District pursuant to the notice dated 19.10.2011 issued by the 1<sup>st</sup> respondent, as illegal and arbitrary and for a consequential direction to the respondents not to take coercive steps to demolish the said structures.

The case of the petitioners is that they are the owners and possessors of land admeasuring 120, 273.5 and 312.0 sq.yards in R.S.Nos.238, 244/3 and 7-1/A respectively of Penamaluru Village and Mandal, Krishna District. While so, they have applied for building permission for construction in the said sites and the Gram Panchayat has accorded permission for construction of G + 2 floors. Thereafter the petitioner constructed the building as per the plan approved by the 1<sup>st</sup> respondent and the same was assessed by the Gram Panchayat. It is also stated that while the construction was going on, the respondents never interfered with the construction activities of the petitioner but for the first time on 19.10.2011, the 1<sup>st</sup> respondent issued impugned notice dated 19.10.2011 asking the petitioners to remove the constructions made, in contrary to the plan approved, within 15 days, without giving any prior notice. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 2<sup>nd</sup> respondent stating that in pursuance to the complaint made by one Muppalla Badari Narayana, the 2<sup>nd</sup> respondent visited the Gram Panchayat on 27.09.2011 and verified the plans approved by the then Panchayat Secretary and also inspected the buildings along with the staff and found that the petitioners and some others have constructed the buildings deviating

the approved plan. It is also stated that the respondent authorities have made only marking of the deviated portions and further action would be initiated only after following due process of law and Rules. As such, the present writ petition is filed only with an apprehension.

Smt K.Manideepika, learned Standing counsel for the 2<sup>nd</sup> respondent produced written instructions stating that the permission has been granted for construction of G + 1<sup>st</sup> floor residential building and petitioners have made constructions accordingly. But as they have received a complaint, the 2<sup>nd</sup> respondent authorities inspected the said buildings and found some deviations, as such the 2<sup>nd</sup> respondent directed the 1<sup>st</sup> respondent to take appropriate action as per law.

Heard Sri T.V.S.Prabhakar Rao, learned counsel for the petitioner, Sri Ravi Cheemalapati, learned Standing counsel for R1 and Sri K.Manideepika, learned Standing counsel for R2.

Since it is stated in the counter affidavit that the respondent authorities have initiated action only by marking deviations and further action will be initiated following due process of law, it appears that the writ petition is filed on apprehension. However, the authorities shall issue appropriate notice in pursuance to the impugned proceedings dated 19.10.2011 to the petitioners. Thereafter, the petitioners may file explanation to the same and on such explanation being filed, the respondent authorities may take appropriate action in accordance with law. Since the status-quo order is granted on 27.03.2011, the same shall be continued till the authorities take further action as indicated in the counter.

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

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**A.RAJASHEKER**

**REDDY,J**

Date: 26.06.2015  
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