

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7059 OF 2015

O R D E R :

This writ petition is filed seeking *Writ of Mandamus* declaring the action of the 2nd respondent in challenging the notices dated 13.01.2015 and 17.02.2015 for demolition of the building constructed in premises bearing House No.5-96 admeasuring 30.5 sq.yards situated at Kodad town, Nalgonda District, as illegal and arbitrary.

The case of the petitioner is that he is the owner and possessor of the premises bearing No.5-96 to an extent of 30.05 sq.yards situated at Main road, Kodad, Nalgonda District having purchased the same through the registered sale deed dated 17.01.2014 from one Mohammed Rabiya Begammy. Thereafter, he removed the old house of two storied building and by obtaining permission from the 2nd respondent constructed the building as according to norms and conditions of the permission, without any deviations. While so, the 3rd respondent with false and baseless allegations made a complaint against the petitioner to the 2nd respondent. In pursuance to the same, the 2nd respondent issued show cause notice dated 13.01.2015 under Section 217(1)(2), 228(1)(2) of Andhra Pradesh Municipalities Act, 1965 (for short 'the Act') asking the petitioner to stop the construction and remove the same stating that the said construction is made without leaving the set backs and the same was confirmed by order 17.02.2015. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that petitioner has made constructions in alignment with other adjacent buildings.

On the other hand, Sri D.Bhaskar Reddy, learned Standing counsel for the 2nd respondent submits that the petitioner has constructed the building on National Highway without leaving minimum setbacks as per Rule 5 of G.O.Ms.No.168 dated 07.04.2012. As such,

the impugned order is passed and the same cannot be faulted.

In the instant case, the petitioner has not disputed that he has made construction without leaving front set back of 3mts. But he states that he has made constructions by taking into consideration, the construction of other adjacent buildings and seeks one more opportunity to approach the authorities by way of filing an application. In view of the same, it is for the petitioner to make an application to the concerned authority within one (1) week from today. On receipt of the same, the respondents shall consider the same and pass appropriate orders according to law. Till such time, *status-quo* obtaining as on today shall be maintained by both the parties.

Accordingly, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

19.03.2015
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