

THE HON'BLE SRI JUSTICE A. RAJASEKHAR REDDY

WRIT PETITION No.2682 of 2015

-

Between:

R.G. Sreedevi

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Municipal Administration and Urban Development Department,
Secretariat Buildings, Saifabad, Hyderabad-500 022, and others.

RESPONDENTS

ORDER:

This writ petition is filed challenging the action of the 2nd respondent in unilaterally deciding that the construction made by the petitioner in premises bearing No.7-84/2, Near Government ITI., Padmavathipuram, Sy.No.232 of Tiruchanur, Tirupati, Chittoor District, is unauthorised and directing the 3rd respondent to take action thereon, vide communication dated 6.11.2014, as illegal and arbitrary.

The case of the petitioner is that she has obtained permission vide proceedings B.A.No.01/2013, dated 9.04.2013, for construction of G + 2 floors in premises bearing No.7-84/2, situated in Sy.No.262 of Padmavathipuram, Tiruchanur Road, Tirupati, Chittoor District, duly paying development fees and other requisite charges as required under the provisions of the A.P. Urban Areas (Development and Regulation) Act, 1976. After obtaining permission, the petitioner commenced the construction work and completed ground floor, but she could not construct 1st and 2nd floors due to financial constraints, and hence, she occupied the premises and residing in it. While so, the 4th respondent instituted civil litigation before the trial Court and also before this Court in W.P.Nos.29633 of 2013 and 30889 of 2014 alleging that the petitioner has made unauthorised constructions over the property in question. Thereupon the 3rd respondent-Gram Panchayat issued show cause notice dated 05.11.2014, for which the petitioner submitted a detailed explanation dated 02.12.2014. Even without considering her explanation, the 2nd respondent issued letter dated 06.12.2014 stating that the petitioner has made unauthorised constructions and directed the 3rd respondent-Gram Panchayat to take action thereon. Aggrieved by the same, the petitioner filed the present writ petition.

Heard learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration and Sri G. Seshadri, learned Standing Counsel for the 3rd respondent.

Having regard to the fact that the petitioner has already submitted her explanation on 2.12.2014 in pursuance of the show cause notice, I deem it appropriate to direct the 3rd respondent to consider the said explanation and pass appropriate orders thereon in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Till then status quo obtaining as on today shall be maintained by both the parties.

With the above direction, the writ petition is disposed of. No costs.

A. RAJASEKHAR REDDY, J.

10th February, 2015
Js.