

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8626 OF 2015

ORDER :

This writ petition is filed for writ of mandamus declaring the action of the 2nd respondent in trying to demolish the petitioner's shop room No.G-9 in ground floor of R.K.Complex, Mayuri Junction, Vizianagaram, Vizianagaram District, without passing orders on petitioner's explanation to the 2nd respondent's show-cause notice in Rc.No.844/16/2015/TPS, which is signed on 19.03.2015 as illegal and arbitrary.

It is the case of the petitioner that he was issued show-cause notice dated 19.03.2015 under Sections 42(1) & 43(1) of the Andhra Pradesh Urban Development Authority Act, 1975 as to why action should not be initiated for not removing structure constructed in stilt within the stipulated time. The petitioner submitted an explanation on 24.03.2015 to the show-cause notice dated 19.03.2015. But, without considering the said explanation, the respondent authorities are trying to remove the structures in the stilt portion. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner as well as Sri Nimmagadda Venkateshwarlu, learned Standing Counsel for 2nd respondent Municipality.

It is stated by the learned counsel for the petitioner that the petitioner has purchased the property in the year 2003; that there is no stilt floor in the permission granted by VUDA and that the building only contains ground floor. However, the petitioner has not produced any plan.

Learned Standing Counsel for the 2nd respondent Municipality, on instructions, submits that no explanation is filed by the petitioner and the alleged explanation neither bears any date nor the acknowledgment given by the respondent Corporation. Learned counsel for the petitioner submits that the petitioner may be given an opportunity to submit explanation to the show-cause notice dated 19.03.2015.

In view of the above facts and circumstances, the petitioner is permitted to give an explanation to the 2nd respondent Municipality to the show-cause notice dated 19.03.2015 within a period of 3 weeks. On such explanation, the 2nd respondent may consider the same and pass appropriate orders in accordance with law. Till then, *Status quo* obtaining as on today shall be maintained. However, if the petitioner does not make any representation within the stipulated period of ten days, the respondent authorities may proceed further and take action in pursuance to notice dated 19.03.2015.

With the above direction, this writ petition is disposed of. 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

27.03.2015

kvs

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8626 OF 2015

Date: 27.03.2015

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