

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33959 of 2015

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Between:

S.Jakir Basha

.. Petitioner

and

The State of Andhra Pradesh, rep.by its Principal Secretary, Municipal
Administration & Urban Department Department, A.P.Secretariat,
Hyderabad and another.

.. Respondents

This Court made the following:-

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ORDER:

The petitioner claims to be the owner of small house plot to an
extent of 97.18 sq.yards in D.No.21/452-X-6a, Farooq Nagar, Nandyal
Town, Kurnool District.

2. The petitioner claims to have applied for building permission
consisting of ground and first floor and the same was granted on
27.05.2005. However, no construction was commenced immediately
due to personal difficulties and subsequently, petitioner undertook
construction within the permissible limits as per the building
permission. While so, impugned notice was issued alleging that the
petitioner made illegal construction and he should remove the same.

3. Learned counsel for the petitioner contends that the petitioner

has not deviated from the building permission granted and that no prior notice was issued to the petitioner and straightaway, notice of removal of illegal construction was issued.

4. The contention of learned counsel for the petitioner that no notice was issued is not denied by the respondent Municipality. However, learned counsel for the petitioner fairly submits that the petitioner may file detailed explanation and the same shall be considered and appropriate orders shall be passed.

5. Recording the said submission, the Writ Petition is disposed of granting liberty to the petitioner to file an explanation within a period of ten (10) days from today and when such explanation is filed within the time granted, the respondent Municipality shall consider and pass reasoned orders within a period of two (2) weeks. Till the final orders are passed as directed above, no coercive steps shall be taken by the respondent Municipality. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 13.10.2015
AMD

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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