

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.511 OF 2015

ORDER

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This writ petition is filed seeking *Writ of Mandamus* declaring the action of the respondents in trying to demolish the building of the petitioner in land admeasuring 230 sq.yards in R.S.No.123/2, situated at Yenamalakuduru Village, Penamaluru Mandal, Krishna District, without serving the show cause notice dated 07.01.2015 and without serving orders dated 07.01.2015 and passing final orders dated 13.01.2015, as illegal and arbitrary and consequently to set aside the same and direct the respondents not to demolish the subject building of the petitioner.

The case of the petitioner is that he is the absolute owner and possessor of land admeasuring 230 sq.yards in R.S.No.123/2, situated at Yenamalakuduru Village, Penamaluru Mandal, Krishna District. He applied for construction of G+2 floors of residential building and 3rd respondent sanctioned the building permission. While so, on 17.01.2015, the officials of the respondent authorities tried to demolish the construction of the petitioner's building, informing the petitioner that they issued a show cause notice dated 07.01.2015 before taking action. But petitioner submits that no such notice was issued to him before initiating the action. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

On the other hand, Smt. Manideepika, learned Standing counsel for respondents submits that as per the records, the petitioner was issued show cause notice before initiating action against him.

Since the petitioner is already in possession of the impugned notice dated 07.01.2014, it is appropriate that the petitioner shall be given an opportunity to submit his explanation. In view of the same, the petitioner is permitted to submit his explanation to the show cause notice dated 07.01.2015 within a period of four (4) weeks from today and thereafter, it is for the 2nd respondent to consider the same and pass appropriate orders

thereon in accordance with law. Till then, *status-quo* shall be maintained by both the parties.

Accordingly, the writ petition is disposed of. The miscellaneous petitions if any in this writ petition shall stand disposed of. There shall be no order as to costs.

A.RAJASHEKER REDDY,J

Date: 19.02.2015

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