

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.38934 of 2015

Date: 14.12.2015

Between:

N. Rama Mohan Venkata Prasad,
Krishna District.

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration & Urban Development,
A.P Secretariat, Hyderabad, and others.

.....RESPONDENTS

Counsel for the Petitioner: SRI RAJA REDDY KONETI

**Counsel for the Respondent No.1: G.P FOR MUNICIPAL
ADMINISTRATION**

Counsel for the Respondent Nos.4 and 5: P. NAGENDRA REDDY

The Court made the following :

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ORDER:

This writ petition is filed with the grievance that the complaints made by the petitioner and other residents of Sai Durga Residency, against illegal structures raised in the stilt floor meant for parking by respondent Nos.4 and 5 have not received the attention and the action they deserve.

In obedience to the notice of this Court, the Commissioner of respondent No.2 – Municipality has filed a counter affidavit. Upon considering the contents thereof, this Court has adjourned the case on 07.12.2015 for filing action taken report. Accordingly, the Commissioner has filed the report wherein he has inter alia stated as under:

“I submit that, as per the request of this respondent the Station House Officer, Nandigama provided security with Sub-Inspector and 8 police constables on 11.12.2015 at the time of demolition. Similarly, the Director CRDA also deputed one Prabhakar who is Surveyor, along Jr. Planning Officer and two others to assist the staff of this respondent for demolition on 11.12.2015. Then the Tahsildar also deputed Revenue Inspector Sri Venkateswara Rao on his behalf for conducting demolishing in peaceful manner.

I submit that this respondent with the assistance of police as well as CRDA staff had demolished the two shutters shop under name of spy men's wear and make available for free ingress and egress to the vehicles of the residents of the apartment. I submit that the other two small shops, one is Fancy & Cool drinks and other is spy Kids & women's wear. I submit that an electrical transformer was situated in front of the fancy shop and back wall this fancy shop was affixed with electrical panel board relating to all the flats of the Apartment. In view of such contingency, this respondent requested the Asst. Electrical Engineer to shift the entire electrical panel board attached to backside wall of the shop and to take precautionary measures in respect of transformer which is in front of the shop for safe demolition.

I submit that in turn the Electrical Assistant Engineer orally informed us he requires 10 days time to shift the electrical panel board and electrical lines and to take safety measures in respect of the transformer. As such this respondent was restrained from demolition in respect of that shop. The another small shop under the name of spy kids and ladies wear owned by Sri D. Bharath, who is also owner of the demolished shop of spy men's wear requested through an undertaking to shift all of his stocks and racks to another place within a period of 30 days from this date i.e., 11.12.2015. It is pertinent to mention here that the entire

stock of the demolished shop was also kept in this shop. I submit that the landlord/builder also submitted an undertaking dt. 11.12.2015, she will get it vacated the leaseholder with in a period of one month.

I submit that the front portion of the entire ground floor was occupied by the Indian Post office as a lease holder for that the builder got constructed a separate staircase for direct access to the post office. This respondent tried to demolish the staircase, the Post Master and other staff requested to keep the staircase till alternative arrangements to be made for separate ingress and egress to their office, for that they required permission of higher authorities at Head Office and accordingly they addressed to their higher authority for separate staircase from the stilt floor. I submit that I have informed to the postmaster as well as landlord to get it demolished the unauthorized and encroached staircase as per conformation notice dated 28.11.2015, if the landlord not demolished as per her undertaking, I hereby undertake to demolish the said staircase with in a period of one month, if they have not demolished.”

The Commissioner is personally present at the hearing of the case. The learned Standing Counsel has assured on his behalf that further action as set out in the above reproduced paragraphs will be taken for removal of further structures, the stilt portion and also the staircase portion within six weeks time.

Learned counsel for the petitioner submitted that in view of the above action taken report, the petition may be closed with appropriate directions.

Accordingly, the writ petition is closed with the direction to respondent Nos.2 and 3 to complete further action for removal of the remaining structures in the stilt portion and the staircase constructed on a part of the public street and file action taken report before the Registry within six weeks from today. If such action taken report is not filed within the above stipulated time, Registry shall reopen and post the writ petition before the Court.

As a sequel to disposal of the writ petition, W.P.M.P.No.50176 of 2015 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

Date: 14.12.2015

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