

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.7354 of 2015

Date: 20-03-2015

Between:

R. Pramila

.. Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary, Endowments Department,
Secretariat, Hyderabad and another

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.7354 of 2015

ORDER:

-

This writ petition is filed for a mandamus declaring the action of the 2nd respondent in issuing the proceedings in R.C.No.2317/2015/ACP-II, dated 23-02-2015 directing to remove the structures constructed in the ground floor of premises in house Door No.8-1-63/10, Nowka Nagar, Peda Waltair, as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to set aside the said proceedings.

2. The grievance of the petitioner is that she is absolute owner and possessor

of the house bearing No.8-1-63/10/1 to 4, situated in Plot No.15, Nouka Nagar, Ward No.24, Division No.17, Pedawaltair, Visakhapatnam consisting of Ground floor plus three floors having parking area of 76.34 square meters plus stair case and two rooms on the ground floor of the building. She obtained construction permission on 16-03-1998 for construction of ground plus three floors and constructed the building as per the approved building plan. It is stated that the petitioner was issued a show cause notice under Sections 452 and 461 of the Greater Hyderabad Municipal Corporation Act, 1955 dated 23-02-2015 alleging that Cellar floor/stilt floor, which is earmarked for parking place, was converted into commercial purpose contrary to the rules and regulations thereby facing the people to park their vehicles on road margin causing obstruction to free flow of traffic. Pursuant to the said show cause notice, the petitioner submitted her explanation on 05-03-2015 and without considering her explanation and without passing any orders thereon, the respondent authorities are making attempts to demolish the structures existed in the petitioner's property. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and S. Lakshmi Narayana Reddy, learned standing counsel for the respondent Corporation.

4. Since it is stated that the petitioner has already filed her explanation on 05-03-2015, it is for the competent authority to consider the same and take a decision thereon, after affording a reasonable opportunity of hearing the petitioner. Till such decision is taken by the competent authority, status quo obtaining as on today shall be maintained.

With the above observation, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 20-03-2015

Ksn

