

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF
ANDHARA PRADESH

C.R.P.No.1184 of 2015

Between:

Thota Veera Venkata Satyanarayana

.....Petitioner

and

The Vijayawada Municipal Corporation, rep. by its Commissioner,
Vijayawada-1.

.....Respondent

Date of Judgment pronounced : 10-08-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

1. Whether Reporters of Local newspapers : Yes/No
May be allowed to see the judgments?
2. Whether the copies of judgment may be marked :
Yes/No
to Law Reporters/Journals:
3. Whether The Lordship wishes to see the fair copy : Yes/No
Of the Judgment?

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

C.R.P.No.1184 of 2015

ORDER:

Heard Sri S.Rahul Reddy, learned counsel for the

petitioner, Sri T.Bala Swamy, learned counsel for 1st respondent and Sri Narasimha Rao Gudiseva, learned counsel for 2nd respondent.

2. This Revision Petition is filed challenging the Order dt.12-03-2015 in I.A.No.964 of 2014 in C.M.A.No.8 of 2014 of the Principal Senior Civil Judge, Vijayawada.

3. The said appeal was filed by the petitioner under the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') challenging the final notice dt.17-05-2014 issued by 1st respondent under Section 456 of the said Act for removal of the subject building. He also filed I.A.No.964 of 2014 seeking stay of operation of the said order passed by the Principal Senior Civil Judge, Vijayawada in the said appeal.

4. Since there was no interim order granted therein, he approached this Court by way of W.P.No.15577 of 2014 contending that the said order was passed without considering his objections. By an order dt.27-06-2014, this Court set aside the impugned final notice dt.17-05-2014 and directed 1st respondent to pass a fresh order after considering the reply of the petitioner to the said notice. In view of the said order passed by this Court on 27-06-2014, the C.M.A. itself had become infructuous. But the Principal Senior Civil Judge,

Vijayawada, in spite of the fact that the order passed by this Court was brought to his notice, ignored the fact that the proceedings

dt.17-05-2014 issued by 1st respondent, impugned before him, had been set aside by this Court in the said Writ Petition, and directed 1st respondent to demolish the structure, which is subject matter in the said C.M.A., by order dt.12-03-2015 in I.A.No.964 of 2014.

5. It is not disputed that as a consequence to this order, 1st respondent issued proceedings Rc.G1-114565/2014 dt.20-03-2015 directing the petitioner to vacate the said premises and demolish the structure therein within 24 hours.

6. Learned counsel for 1st respondent has not disputed the fact that 1st respondent is a party in W.P.No.15577 of 2014 wherein the proceedings dt.17-05-2014 had been set aside. Therefore, it is not open to 1st respondent to now direct demolition of the structure in question relying on the order dt.12-03-2015 passed in I.A.No.964 of 2014 in C.M.A.No.8 of 2014.

7. Therefore the order dt.12-03-2015 in I.A.No.964 of 2014 in C.M.A.No.8 of 2014 is set aside and consequently the proceedings Rc.G1-114565/2014 dt.20-03-2015 are also set aside.

8. Learned counsel for 1st respondent undertakes that 1st respondent will hear the petitioner as well as 2nd respondent and then pass an order afresh.

9. In view of the said submission, the petitioner as well as 2nd respondent are granted two weeks' time from today to file their objections to the proposal of 1st respondent to demolish the subject property. After hearing the learned counsel for both the petitioner and 2nd respondent, 1st respondent shall pass a fresh order in accordance with law. No steps shall be taken to demolish the structure in question till a period of four weeks, from the date of the fresh order to be passed by 1st respondent, elapses.

10. The Civil Revision Petition is allowed with the above directions. This order shall be communicated by the Standing Counsel for 1st respondent to 1st respondent personally. No costs.

11. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-08-2015

Note:

Issue C.C. in three days.

B/o.

kvr