

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13544 of 2016

ORDER:

Heard Sri B. Chandrasekhar, learned counsel for the petitioner;
learned Assistant Government Pleader for Municipal Administration for
respondent Nos.1 and 2 and Sri Nimmagadda Venkateswarlu, learned
Standing Counsel for the third respondent Municipality.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it
is prayed that this Hon'ble Court may be pleased to issue a
Writ, Order or Direction more particularly one in the nature of
WRIT OF MANDAMUS to declare the action of the 2nd
respondent herein in not passing orders on the stay petition
filed along with the appeal dated 26.03.2016 as illegal,
arbitrary and unconstitutional and consequently direct the 3rd
respondent herein not to take any coercive steps including
demolition of the petitioner's residential house bearing Door
No.25-9-245, Plot No.9, Ward No.29, Bhimavaram, West
Godavari District pending consideration of the appeal by the
2nd respondent and pass such other order or orders as are
deem fit and proper in the circumstances of the case.”

As it is stated that the petitioner has preferred an appeal under the
provisions of G.O.Ms.No.128, Municipal Administration and Urban
Development (M.I) Department, dated 22.05.2015 and the same is pending
consideration before the Appellate Committee, giving effect to the
proceedings dated 27.02.2016 of the Bhimavaram Municipality rejecting the
application of the petitioner for regularizing his construction during its
pendency would render the appeal itself infructuous.

The Writ Petition is accordingly disposed of directing the Bhimavaram
Municipality not to give effect to the said proceedings dated 27.02.2016 until
disposal of the stay application filed by the petitioner before the Appellate
Committee or the appeal itself, as the case may be.

Pending miscellaneous petitions, if any, shall stand closed in the light
of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date: 21.04.2016

Note:-

Issue CC by tomorrow

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