

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42395 OF 2016

DATED : 07.12.2016

Between :

Chebrolu Niranjan Venkateswararao, S/o.Anjaneyulu,
Hindu, Aged about 52 yrs, Occu : Business,
R/o.Flat No.20, D.No.76-1-1/20 R, R.S.No.57R,
A.P.H.B.Colony,
Bhavanipuram, Vijayawada, Krishna District.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
M.A & U.D Department,
Secretariat at Velagapudi,
Amaravathi, Guntur District & others.

... Respondents



This court made the following :

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ORDER :

Petitioner challenges the notice dated 06.10.2016 issued under Section 452 of Greater Hyderabad Municipal Corporation Act (for short 'the GHMC Act'). In the said notice, it is alleged that petitioner constructed altered internal walls in his plot deviating the approved plan. Petitioner claims to have submitted explanation on 01.11.2016. Petitioner alleges that no orders are passed on the explanation submitted by him. However, respondents are now undertaking coercive steps without passing orders as required by the GHMC Act.

2. Learned counsel for the petitioner submits that the notice to be issued is under Sub-section 1 of Section 452 of the GHMC Act and on consideration of explanation, the respondent-Authorities are required to issue notice under Sub-section 2 of Section 452 and then under Section 636 of the GHMC Act. The respondent-Corporation has violated the statutory provisions and are threatening the petitioner, compelling him to invoke the jurisdiction of this Court.

3. Except for the said averments, there is no material on record to show that respondents are threatening to remove the alleged constructions. Petitioner also does not dispute that no external construction was made in deviation of the building permission granted. It cannot be said that respondent Corporation would not follow the procedure as envisaged under the GHMC Act, which is

binding on the respondent-Corporation, before taking coercive action.

4. Hence, the Writ Petition is liable to be dismissed as premature. However, it is left open to the petitioner to agitate his grievance, if and when appropriate decision is made in accordance with the GHMC Act. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

7th December, 2016
Rds

P.NAVEEN RAO,J

