

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 13153 of 2012

ORDER:

None appears for the petitioner even after listing the matter 'for orders'.

Petitioner states that he is the absolute owner of the land in Survey Nos./D.Nos.5-2/127, 128 and 129 of Anantha Vedhi, Tirupathi, Chittoor District. He submitted an application on 22.08.2009, seeking permission to construct stilt+ two floors building for residential purpose. Permission was granted by proceedings, dated 10.09.2009. Accordingly, he constructed the residential building. While so, the petitioner received a notice from the respondent directing him to remove the additional floors constructed without obtaining permission. The petitioner submitted a detailed explanation on 14.11.2011 to the respondent explaining the circumstances under which some constructions were made contrary to the sanctioned plan. It was stated that the deviations can be regularised under the relevant Regulations and when the respondent was trying to remove the structures without considering the explanation, the petitioner filed W.P.No.33415 of 2011 challenging the notice, dated 08.11.2011, and the same was disposed of on 19.12.2011 directing the respondent to take appropriate decision considering the explanation submitted by the petitioner on

14.11.2011 and till a decision was taken, the structures constructed by the petitioner shall not be demolished. Thereafter, as the respondent passed an order on 09.03.2012, the same is challenged in the present writ petition stating that the explanation submitted by the petitioner on 14.11.2011 was not considered.

This Court by order, dated 27.04.2012, while issuing notice before admission, granted interim suspension of the impugned order and the petitioner was directed not to make any further construction and gave liberty to the respondent to take appropriate action as per law in the event of the petitioner making any construction. Even after four years, no counter-affidavit is filed by the respondent.

A perusal of the impugned order, dated 09.03.2012, discloses that the order was passed after disposal of W.P.No.33415 of 2011 on 19.12.2011. There is no reference to the explanation submitted by the petitioner on 14.11.2011. The impugned order indicates the deviations made in the constructed portion. Now, the request of the petitioner is that the explanation submitted by him on 14.11.2011 (but not on 14.12.2011, as stated by the petitioner in the affidavit) should be considered before taking any action.

The present proceedings, dated 09.03.2012, are nothing but a replica of the notice issued on 08.11.2011. The petitioner appears to have submitted explanation on 04.11.2011 admitting the

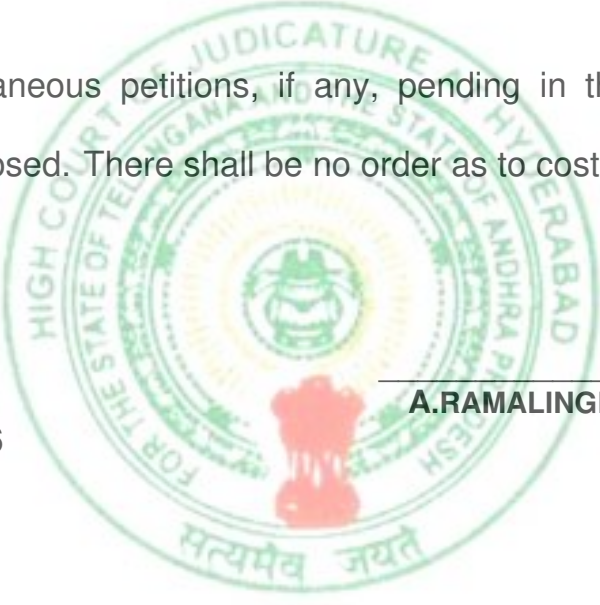
construction of 3rd and 4th floors and undertook to file appropriate application seeking regularisation of the unauthorised constructions.

In the circumstances, the writ petition is disposed of directing the respondent to verify the record with regard to the pendency of any application for regularisation of unauthorised construction and if no application is filed, appropriate action shall be taken against the unauthorised constructions made by the petitioner, in accordance with law. If an application for regularisation is available, the same shall be considered in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Dt:25.10.2016

kdl



A.RAMALINGESWARA RAO,J