

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.9748 of 2012

ORDER

No representation for the learned counsel on either side.

This writ petition is filed challenging the action of the respondent in trying to demolish the existing structures constructed by the petitioner in house bearing No.19-8-85, Sy.No.226/A, Yadava colony, R.C.Road, Tirupati, Chittoor District even though prior permission was obtained *vide* proceedings No.BA.No.46/92/G1, dated 16.5.1996.

This Court, by order dated 9.4.2012, granted *status quo* with regard to demolition and the said order was extended by six weeks *vide* order dated 26.4.2012. The said extended period was also expired long back.

Counter-affidavit is filed by the respondent stating that the petitioner was constructing third floor on his old building already constructed with ground 1st and 2nd floors at D.No.19-8-85, Yadava Colony, Tirupati. The construction of 3rd floor was noticed by the executive staff of town planning section and it was also observed that the building owner/writ petitioner did not obtain prior permission for new construction. The construction permission was obtained by him in B.A.No.46/92/G1, dated 16.5.1996 with regard to 1st and 2nd floors of the said building. A notice under Section 461 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') was issued on 26.5.2012 informing that the petitioner was

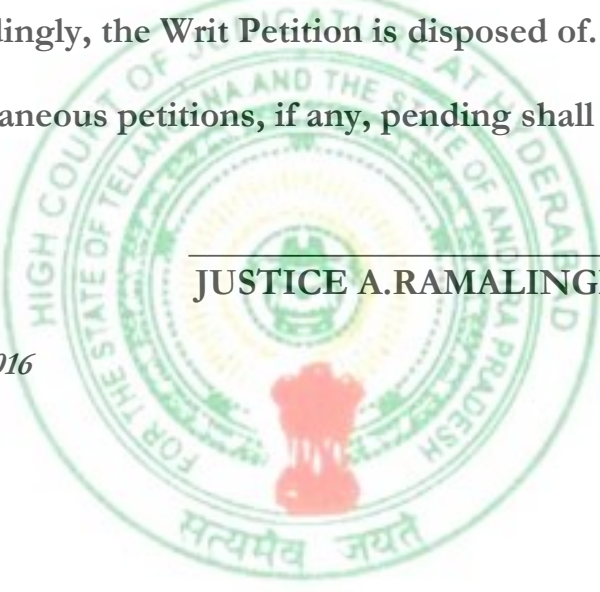
constructing 3rd floor without obtaining prior permission and he was asked to submit his explanation, but he did not submit any explanation, and continued his construction. In those circumstances, notice under Section 636 of the Act was issued on 9.7.2012.

No reply affidavit is filed disputing the said averments made in the counter-affidavit.

In view of the above facts, it is open to the respondent to take further steps in accordance with law.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

17th October, 2016
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