

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.45650 OF 2016

DATED : 28.12.2016

Between :

Ummaneni Venkateswara Rao,
S/o.Bollaiah, Aged about 61 yrs,
R/o.74-12/1-1/1, F-403,
Status Residency,
New RTC Colony, Opp :Auto Nagar Gate,
Vijayawada, Krishna District.

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Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration and Urban Development Department,
Secretariat, Velagapudi,
Amaravathi, Krishna District & others.

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Respondents



This court made the following :

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ORDER :

Heard. With the consent of both the counsel, the Writ Petition is disposed of at the admission stage.

2. Petitioner was granted building permission to construct ground + two upper floors. Alleging that petitioner was undertaking construction of two additional floors, by notice, signed on 23.12.2016, petitioner was asked to stop further construction. Challenging the said notice and alleging that even without following the due process, final orders are passed and respondent authorities are taking steps to demolish the building constructed, this writ petition is filed.

3. When the matter is taken up for consideration, learned Standing counsel produced proceedings dated 23.12.2016 issued under Section 114 (a), (d) of the Andhra Pradesh Capital Region Development Authority Act (for short 'the CRDA Act'), to the petitioner calling for his explanation on the alleged illegal constructions made and not observing the set back norms. Learned Standing counsel therefore, submits that the authorities are following the due process and the allegation that without following due process, coercive action is taken, is not true.

4. Having regard to the fact that notice was already issued, Writ Petition is disposed of, leaving it open to the petitioner to file explanation within a period of two (2) weeks from the date of receipt of copy of this order. If the petitioner files his explanation within the time granted, the competent authority shall consider the

explanation and pass a reasoned order and communicate the same to the petitioner within a further period of three weeks and till such time, the respondents shall not take any coercive action against the petitioner. It is also made clear that petitioner shall not undertake any further construction or internal development activity till orders are passed by the competent authority in pursuant to the notice issued under Section 114 (a), (d) of the CRDA Act. There shall be no order as to costs.

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

28th December, 2016
Rds

P.NAVEEN RAO,J

