

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43203 of 2016

Date: 16.12.2016

Between:

K.Satyanarayana, s/o. K.Rama Rao, Aged 41 years,
Occu: Business, r/o. D.No.7-33, Ramavarappudu,
Vijayawada Rural Mandal, Krishna District.

.....Petitioner

And

The State of Andhra Pradesh, rep.by its Principal
Secretary, Municipal Administration & Urban
Development Department, Secretariat Buildings,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner alleges that as a consequence to the notice issued on 30.11.2016 under Section 116(1) of Andhra Pradesh Capital Region Development Act, 2014 (Act, 2014), the respondent authorities are taking coercive action against the petitioner without following due process as mandated by Section 115 of the Act, 2014. According to the learned counsel for petitioner, Section 116 of the Act only deals with situation where an illegal construction is being taken up directing the owner of the property not to undertake such construction and does not vest power to demolish any construction made on the ground of violation of building permission granted, and detailed procedure is envisaged in Section 115 of the Act, 2014 and that is required to be followed.

2. Learned standing counsel, on instructions, submits that on 30.11.2016 simultaneously notice under Section 115 (1) of the Act, 2014 was also issued, but so far no explanation is filed by the petitioner and straightaway this writ petition is filed.

3. Having regard to the fact that notice was also issued under Section 115 (1) of the Act, the primary ground on which the writ petition is instituted no more survives. Thus, leaving it open to the petitioner to file his explanation on the show cause notice issued on 30.11.2016 under Section 115(1) of the Act, 2014, this writ petition is dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

Date: 16.12.2016
kkm

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