

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.14221 OF 2016

ORDER:

Petitioner challenges the notice dated 28.03.2016, issued by the 2nd respondent, alleging that the petitioner is constructing a shop un-authorizedly without obtaining due permission. In the impugned notice it was further directed that the petitioner shall remove such unauthorized construction within 24 hours, failing which, necessary action would be taken.

It is the contention of the petitioner that after receipt of the notice, a detailed explanation was submitted by the petitioner on 05.04.2016 and the same was received by the respondent authorities on 16.04.2016, however, no orders have been passed thereon, as on date.

Sri G.Narender, learned Standing Counsel appearing for second respondent, submits that as per his instructions, petitioner is encroaching into the passage way/road and for that reason only, the impugned notice has been issued.

Having considered the respective submissions and as can be seen from the lay out plan filed by the petitioner, it is evident that there is a 33' wide road passing in front of petitioner's plot, which is sandwiched between plot Nos.32 and 33-Part. Obviously, there is a sub-division made in plot No.33, which originally consists of 150 Sq.Yards.

In that view of the matter, since the petitioner had already submitted his explanation to the 2nd respondent, the same shall be considered by the 2nd respondent in accordance with law and necessary orders be passed thereon. However, it is made clear that if any shop is being constructed by the petitioner, the respondent

authorities are at liberty to take action and they shall not permit any commercial activity therein as the sub-division of plot itself is impermissible. It may be noted by the respondent authorities that originally the plot bearing No.33 consists of 150 Sq.Yards and it has been sub-divided into 100 Sq.Yards and 50 Sq.Yards. Further, till consideration of explanation submitted by the petitioner and passing orders thereon, no coercive steps shall be taken by the respondent authorities.

With above observations, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

Justice Challa Kodanda Ram

26th April, 2016.
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