

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.16169 of 2009

ORDER:

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This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief/s:-

“....to issue a writ, order or direction more in the nature of mandamus declaring the action of the 1st respondent in issuing the Notice in Rc.No. 318/2008, dated 24-7-2009 directing demolition or removal of the alleged illegal construction of the apartment in possession and enjoyment of the petitioner without a notice to the affected parties as illegal and void and direction to removal of the constructed portion within 3 days is unreasonable and consequentially to direct the respondents to refrain from in any manner interfering with the possession and enjoyment of the Flats bearings Nos. A6 and A1, A-Block in C.R.G. Paradise Apartment, Wyra Road, Khanapuram (H), Khammam District in pursuant to the impugned notice or other wise and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

(Reproduced Verbatim)

2. I have heard the submissions of the learned counsel appearing for the writ petitioners and the learned standing counsel for the impleaded 3rd respondent-Municipal Corporation, Khammam. I have perused the material record.

3. At the hearing, the learned counsel for the writ petitioners would submit that subsequent to the notice which is impugned in this writ petition, the Government have issued two Government Orders viz., G.O.Ms.No.151, Municipal Administration & Urban Development (M1) Department, dated 02.11.2015 and G.O.Ms.No.152, Municipal Administration & Urban Development (M1) Department, dated 02.11.2015, and that the writ petitioners are entitled to the benefit of the terms of the said G.Os and seek regularisation of the construction in question in this writ petition and that the petitioners have already submitted an application to the Government for regularisation of the construction in question by paying the requisite fee and the said application is under consideration of the 3rd respondent-Municipal Corporation, Khammam and that in view of the subsequent developments,

the writ petition may be disposed of directing the 3rd respondent-Municipal Corporation, Khammam to consider and dispose of the said application of the petitioners in strict accordance with the procedure established by law.

4. The learned standing counsel for the 3rd respondent would submit that if the direction now being sought by the writ petitioners is given, the same would be complied with and such a course would be in the interest of justice.

5. Recording the said submissions, the writ petition is disposed of directing the 3rd respondent-Municipal Corporation, Khammam to consider and dispose of the application submitted by the writ petitioners for regularisation in strict accordance with the procedure established by law. It is made clear that till the disposal of the application of the writ petitioners in strict accordance with the procedure established by law, *status quo* in regard to the subject construction shall be maintained. It is needless to mention that subject to the decision that may be taken on the application of the writ petitioners for regularisation, the 3rd respondent Corporation is at liberty to further proceed in the matter, however, in strict accordance with the procedure established by law. There shall be no order as to costs.

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

M.Seetharama Murti, J

21st January, 2016
Bvv