

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.345 of 2016

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06.01.2016

Between:

Vallepalli Mohan Rao and another

.. Petitioners

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.Y.Subrahmanyam

Counsel for respondent No.1: Government Pleader
for Municipal Administration and Urban Development (AP)

Counsel for respondent Nos.2 to 4: --

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The Court made the following:

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ORDER:

The petitioners, who have raised construction admittedly in deviation of the sanctioned plan, filed this writ petition feeling aggrieved by notice in R.C.No.19/2015, dated 17.12.2015, of respondent No.3, whereunder it has called upon the petitioners to submit their explanation.

The only ground on which this writ petition is filed assailing the aforesaid notice is that on 28.07.2015, the petitioners have applied to respondent No.2 for regularization of their illegal construction and that therefore, till the said application is disposed of, respondent No.3 cannot take any action against their illegal construction.

At the hearing, Mr.Y.Subrahmanyam, learned counsel for the petitioners, has not disputed the fact that his clients have not submitted explanation to the impugned notice informing respondent No.3 that they have already applied for regularization of their illegal construction before respondent No.2.

In my opinion, unless the petitioners inform respondent No.3 about their making application for regularization, the latter cannot be found fault with in issuing the impugned notice. Therefore, the petitioners are permitted to submit proper explanation to the impugned notice before respondent No.3. If the petitioners are able to show proof of their applying for regularization before respondent No.2, respondent No.3 shall not proceed with further action in pursuance of the impugned notice till disposal of such application by respondent No.2. Conversely, if proper application is not made by the petitioners so far before respondent No.2, respondent No.3 shall be free to take further steps in pursuance of the impugned notice.

Subject to the above directions and observations, the Writ

Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.437 of 2016 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

06th January, 2016
GHN