

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 35635 OF 2016

ORDER:

This writ petition is filed seeking to declare the action of the respondents in trying to demolish the building of the petitioner situated at D.No.3-48, R.S.No.127/1, Ramavarapadu Grama Panchayat, Vijayawada Rural, Krishna District, without following due process of law.

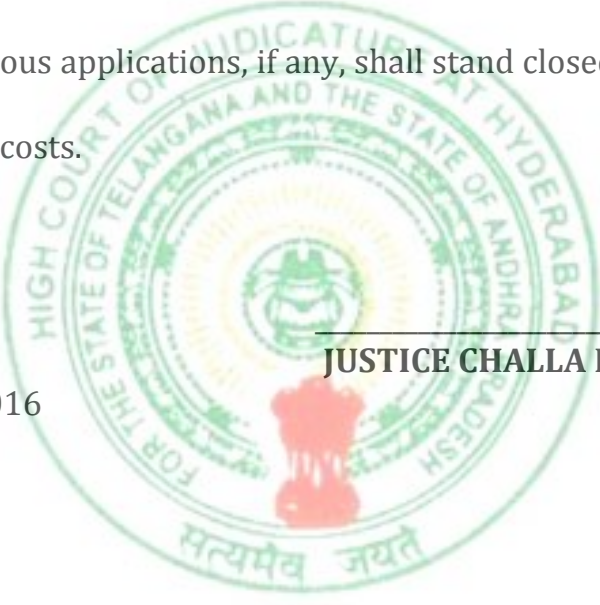
2. Sri D.Ramesh, learned Standing Counsel appearing for the second respondent, on instructions submitted by the Panchayat Secretary, Grampanchayat, Ramavarappadu, submits that during the inspection conducted by the staff of the respondent it was found that petitioner has committed certain violations of building rules while constructing the ground and four upper floors in the property, in question. It is further stated that as per the provisions of Section 110 of APCRDA Act 2014 any person has to obtain prior permission from the APCRDA for any construction. The petitioner has constructed ground and four upper floors in violation of rules without obtaining any permission from the authority. As per the powers delegated by the authority the Panchayat Secretary is competent to grant permission for construction of individual residential buildings upto ground and two upper floors and upto 1000 sq.mts of site area in the plots located only in the approved layout whereas the applicant has constructed apartment in narrow lane of 4.50m, where apartments are not

permissible. Learned Standing Counsel further submits that as on date no notice has been issued to the petitioner calling for explanation as to why action should not be initiated in terms of the statute.

3. Perused the record. As admittedly no notice has been issued to the petitioner, interest of justice would be served giving liberty to the respondents to initiate necessary steps in terms of the statute after giving notice to the petitioner.

The Writ petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

October 24, 2016
LMV



JUSTICE CHALLA KODANDA RAM