

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.20767 of 2012

ORDER:

-

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

“.....to issue any appropriate Writ, Order or direction more in the nature of Writ of Mandamus declaring the provisional order passed by the Respondent No.4 vide UCR No.TPS/UCR/3/2011 dated 7-12-2011 under the provisions of Section 228(2) of AP Municipalities Act 1965 and the consequential order(notice) vide CO No.TPS/UCR/1/2011 dated 16-5-2012 under Section 228(3) of A.P.Municipalities Act, 1965 for demolition of the structures undertaken by the petitioner i.e. construction of two (2) mulgies without verifying the records of the erstwhile Grampanchayat, Vemulawada as illegal, arbitrary and also contrary to the procedure contemplated under the provisions of A.P. Municipalities Act 1965 and AP Panchayat Raj Act 1994 and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

(Reproduced Verbatim)

2. At hearing, the learned counsel for the writ petitioner would submit that after the writ petition has been filed, the Government have issued G.O.Ms.No.152, Municipal Administration & Urban Development (M1) Department, dated 02.11.2015, and that to avail the benefit of the terms of the said G.O., the petitioner had paid the requisite fee and submitted an application for regularisation of the two mulgies constructed by him and that in view of the subsequent developments, the writ petition may be disposed of directing the 4th respondent to consider and dispose of the said application of the petitioner in strict accordance with the procedure established by law.

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

4. Recording the said submissions, the writ petition is disposed of

directing the 4th respondent-Nagar Panchayat, Vemulawada, Karimnagar District to consider and dispose of the application submitted by the writ petitioner 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 petitioner in strict accordance with the procedure established by law, *status quo* in regard to the subject mulgies shall be maintained. It is needless to mention that subject to the decision that may be taken on the application of the writ petitioner for regularisation, the 4th respondent Nagar Panchayat 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

19th January, 2016
Bvv