

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.35529 OF 2016

O R D E R:

Heard learned counsel for the petitioner, learned Government Pleader for Roads & Buildings (Andhra Pradesh) for Respondents 1 to 3, learned Government Pleader for Revenue for the 4th respondent and Sri G. Seshadri, learned Standing Counsel for the 5th respondent.

The case of the petitioner is that he is the owner and possessor of the premises bearing D.Nos. 13-165, 13-165/1, 2, 3, 8 and 9 situated at Veldurthy Village and Mandal of Kurnool District and the structures standing thereon. His grievance is that Respondents 2 to 5 are trying to demolish part of the house, without issuing any prior notice. Hence, the present writ petition.

Learned counsel appearing for the parties fairly submit that the issue involved in this writ petition is akin to the one raised in Writ Petition No. 34149 of 2016 and batch of cases, wherein this court, by order dated 30.09.2016, issued the following directions:

- i. issue notices to all persons/firms/companies who are suspected or alleged to have constructed buildings or structures on nalas or tank beds;
- ii. disclose the material available with the respondent authorities along with such notices that the constructions are in locations warranting demolition;
- iii. give two weeks time from the date of receipt of such notice to the persons/firms/Corporations who are alleged to have built the said structures or tank beds/nalas to respond to such notices or vacate the said premises; and
- iv. then pass a reasoned order why the demolition is justified.

Hence, this Writ Petition is also disposed of in terms thereof.

No costs.

It is made clear that till such an order is communicated to the petitioner, the respondents shall not demolish any of the structures erected by him. However, this order will not preclude the respondents to demolish, without notice, such structures, if there is an emergent situation. No further constructions shall be made by the petitioner without obtaining permission from the authority concerned.

Consequently, the miscellaneous applications, if any, shall stand closed.

21st October, 2016

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CHALLA KODANDA RAM, J



