

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.25938 of 2017

ORDER:

The order, dated 21.11.2016, passed by the second respondent vide proceedings No.BPS/JAN/9/0412715, rejecting the application filed by the petitioner for regularisation of the unauthorised construction, is under challenge in the present Writ Petition.

Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration & Urban Development for the first respondent and Sri Ch.Ravi, learned counsel for the second respondent.

When the matter is taken up it is submitted by the learned Standing Counsel that, as against the order impugned, as per Rule 13 of the Andhra Pradesh Regulation and Penalization of Buildings Constructed unauthorizedly and in Deviation of the Sanctioned Plan Rules, 2015 (for brevity, 'the Rules') notified by G.O.Ms.No.128 dated 22.05.2015, appeal lies to the committee constituted by the Government and, without availing the said alternative remedy, the petitioner herein filed the present Writ Petition directly before this Court.

On the other hand, it is submitted by the learned counsel for the petitioner that the said committee has been constituted by the Government only recently.

Having heard the learned counsel for the petitioner and the learned Standing Counsel, this Court is of the considered opinion that the ends of justice would be met if the petitioner herein is permitted to file an appeal under Rule 13 of the Rules within a period of two weeks from the date of receipt of a copy of this order and, if any such appeal is filed within the time stipulated above, the same may be considered and appropriate orders be passed in accordance with law after giving notice and an opportunity of being heard to the petitioner herein. Pending consideration of the appeal, no coercive action shall be taken pursuant to the impugned order dated 31.11.2016. However, this order will not enure to the benefit of the petitioner herein in the event of failure on the part of the petitioner to file an appeal within the time stipulated above.

The Writ Petition is, accordingly, disposed of. As a sequel to the disposal of the Writ Petition, miscellaneous petitions, if any, pending shall stand closed.

A.V.SESHA SAI, J

03rd August, 2017
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