

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.46705 OF 2016

Dated:02.01.2017

Between:

Devarapalle Malya Giridhara Reddy,
S/o. D. Malyadri Reddy, Aged about
46 years, Occ: Business & Cultivation,
Now R/o.D.No.10-34-3C, Cooperative
Colony, Kavali, SPSR Nellore District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Municipal
Administration and Urban Development
Department, Secretariat, Velagapudi,
Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.46705 OF 2016****ORDER:**

Heard. With the consent of learned counsel for the parties, this Writ Petition is being disposed of at the stage of admission.

2. The petitioner alleges that he obtained permission from the respondent – Municipality for construction of two floors. However, he constructed two more floors in addition to the permission granted to him. After launching the scheme of regularisation of unauthorised construction by the Government, the petitioner submitted online application, dated 24.07.2015, for regularisation of the unauthorised constructions made by him and the same is pending consideration. Apprehending that the respondent – Municipality would take action to demolish the alleged illegal constructions made by him even before consideration of his application for regularisation, the petitioner filed this writ petition and seeks a direction to the respondent authorities to consider the said application.

3. Learned counsel for the petitioner contends that since the building regularisation application is pending, until it is considered and appropriate decision is taken, the respondents be directed not to take any coercive action against the petitioner, as the respondent – Municipality is threatening to take such action.

4. Learned Standing Counsel for the respondent – Municipality, on instructions, submits that the respondent authorities are not initiating steps to take coercive action and what

is alleged is only apprehension. He further submits that in view of the directions issued by the Division Bench of this Court in W.P.No.5130 of 2016 and batch, dated 18.10.2016, no coercive action is contemplated till the building regularisation application is considered and appropriate decision is taken.

5. Having regard to these submissions, the Writ Petition is disposed of directing the respondent authorities to consider the building regularisation application, dated 24.07.2015, submitted by the petitioner and pass orders within a period of eight (8) weeks from the date of receipt of a copy of this order. Till a decision is taken and appropriate orders are passed and communicated to the petitioner on the building regularisation application submitted by him, the respondent authorities are directed not to take any coercive action of demolishing the subject structure. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:02.01.2017

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