

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

W.P.No.22081 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the second respondent/APCRDA and Sri D.Ramesh, learned Standing Counsel for the third respondent and Sri Y.Ramatirtha for the fourth respondent.

2. According to the writ petitioner, he made an application to the third respondent/Grampanchayat for permission to construct Ground plus two floors and the third respondent vide Proceedings D.Dis.No.3434/2016, dated 03.10.2016, accorded the same. It is further stated that accordingly petitioner completed the construction and is residing in the said building. By way of a show-cause notice vide proceedings Rc.No.CRDA-12021(51)/193/2017, dated 19.06.2017, petitioner herein was asked to submit his explanation as to why the show cause notice should not be confirmed. Thereafter, by way of the impugned proceedings vide Rc.No. 12021(51)/193/2017, dated 29.06.2017, the CRDA directed removal of the structures. According to the petitioner, petitioner herein could not submit his explanation within the time stipulated in the show-cause notice due to lack of knowledge and due to ill-ness. It is also the submission of the learned counsel that since valuable rights of the parties are involved, petitioner herein may be given an opportunity to respond to the show-cause notice for consideration by the respondents herein in accordance with law.

3.. On the other hand, it is submitted by the learned counsel for the fourth respondent herein that the writ petitioner herein, who is the owner of the property, is undertaking construction on the Southern side without

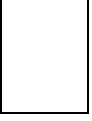
leaving any set backs and without following the plan and due to which the fourth respondent is suffering irreparable loss and hardship.

4. Since the dispute is with regard to the valuable immovable properties, this Court having regard to the facts and circumstances of the case, deems it appropriate to permit the petitioner herein to submit his explanation to the show-cause notice dated 19.06.2017 issued by the second respondent under Section 115 (1) of the APCRDA Act, within a period of two weeks from the date of receipt of this order. If any such explanation is received within the time stipulated above, the same be considered and appropriate orders be passed in accordance with law, after hearing all the stake holders including the fourth respondent, within a period of three weeks thereafter. Till the said exercise is completed, the interim order dated 10.07.2017 shall continue to operate. It is further made clear that the writ petitioners herein shall not make any further constructions.

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

Date: 08.08.2017
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A.V.SESHA SAI, J



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



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Dated:08.08.2017

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