

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.25566 of 2013

ORDER:-

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner questioning the Notice No.03/UC/W.NO.44/CIR-9/WMC/2013, dated 17.08.2013, issued by the 1st respondent and seeking to set aside the same.

2. I have heard the submissions of Smt. K. Udaya Sri, learned counsel for the petitioner, and of Smt. Pingali Laxmi, learned Standing Counsel for the first respondent Municipal Corporation. I have perused the material record.

3. At the hearing, learned Standing Counsel for the first respondent Corporation would submit as follows: "The petitioner obtained permission for construction and made construction. However, while making such construction, the petitioner resorted to certain deviations, particularly, with regard to maintaining setbacks. Therefore, the notice impugned was issued."

4. Learned counsel for the petitioner would submit that if the petitioner's representation, dated 01.08.2013, is considered by the 1st respondent and disposed of, in accordance with the procedure established by law, the grievance of the writ petitioner would be redressed for the present.

5. Learned Standing Counsel for the first respondent Corporation endorses the said submission.

6. Recording the said submissions, the Writ Petition is disposed of directing the first respondent Municipal Corporation to consider

and pass appropriate orders on the representation, dated 01.08.2013, of the petitioner, in strict accordance with procedure established by law, as expeditiously as possible and preferably within a period of one (01) month from the date of receipt of a copy of this order. It is made clear that till such disposal of the representation of the petitioner, the first respondent Municipal Corporation shall not take any coercive action or steps for demolition of the subject property of the petitioner.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

M. Seetharama Murthi, J

Date: 25th April, 2017

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