

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

WRIT PETITION No.1883 of 2017

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for 1st respondent, Sri Ch.Ravi, learned Standing Counsel for 2nd respondent and Sri D.Ramesh, learned Standing Counsel for 3rd respondent.

According to the petitioner, he is the absolute owner and possessor of the building with G+2 situated in land admeasuring 300 square yards in R.S.No.47/2 of Yenamalakuduru Village, Penamaluru Mandal, Krishna District. He purchased the said property from Velagapudi Hari Krishna Prasad and Velagapudi Nageswara Rao by way of registered sale deed dated 08.07.2016 vide document No.4641 of 2016. The petitioner has further stated in the writ affidavit that after the said sale transaction, he applied for construction permission for G+2 floors with respondent Nos.2 and 3 and the same was approved by the 2nd respondent vide proceedings Dis.No.186/16-17 dated 27.09.2016 and accordingly, he paid an amount of Rs.76,724/- towards construction fee on 27.09.2016 and obtained the construction plan. It is further stated that the petitioner herein started construction of G+2 floors without any deviations and without any violations in the sanctioned plan. It is also averred that

there is no deviation from any of the plans. It is also alleged in the writ affidavit that the respondents are trying to demolish his property without any reason and that on 16.01.2017, when the staff of respondents 2 and 3 came to his building and tried to demolish the same, he explained about the existence of permissions in respect of the subject constructions. It is also the complaint of the writ petitioner that without issuing any notice and without affording any opportunity as required under Sections 115 and 116 of A.P. Capital Region Development Authority Act, 2014, respondents 2 and 3 are trying to demolish the subject constructions.

When the matter is called, the learned Standing Counsel for Grampanchayat and the learned Standing Counsel for CRDA, on instructions, submitted that the respondents are proceeding in accordance with law and in the said direction, notice has already been issued to the petitioner herein. The said statement is recorded.

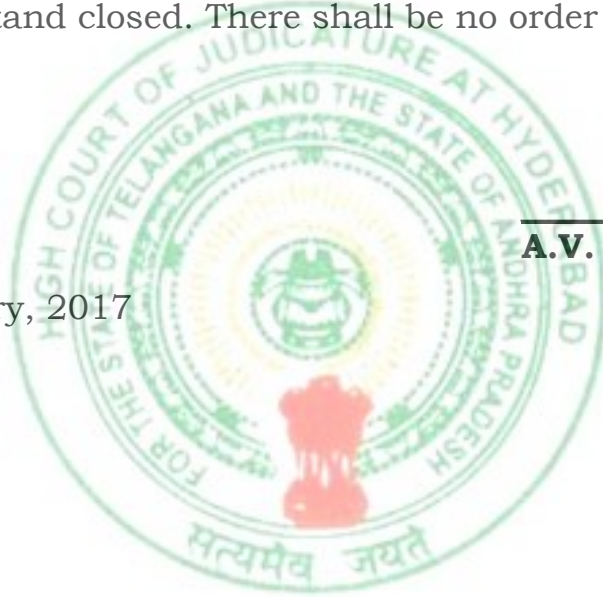
A perusal of the writ affidavit clearly shows that the only contention of the petitioner is that without issuing any notice and without affording any opportunity of being heard, the respondents are resorting to demolish the subject constructions of the petitioner.

Having regard to the submissions made by the learned counsel for the petitioner, learned Standing Counsel for the 2nd respondent and learned Standing Counsel for 3rd

respondent, this Writ Petition is disposed of directing the respondents herein not to demolish the petitioner's building situated in land admeasuring 300 square yards in R.S.No.47/2 of Yenamalakuduru Village, Penamaluru Mandal, Krishna District without recourse to law. It is further made clear that the respondents are at liberty to issue notice and to proceed further in accordance with law.

As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

20th January, 2017
ssp



A.V. SESA SAI, J