

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.29636 OF 2017

ORDER:

The petitioners pray for mandamus declaring the notice dated 26.08.2017, issued by the 3rd respondent, as illegal and unconstitutional.

The operative portion of the notice/orders impugned in the writ petition reads thus:

“Hence the structures made in which you are running your business are treated as illegal and liable for removal and the undersigned is empowered to initiate action against the illegal constructions by virtue of the Layout & Building Rules, 2002 enumerated in G.O.Ms.No.67 dated 26.02.2002 and G.O.Ms.No.168 dated 07.04.2012. Therefore, you are hereby directed to vacate the said illegal structure within (7) days after receipt of this order to further proceed in removing the illegal structures. If you fail to vacate the premises within the above said period, the Gram Panchayat on its own will proceed to summarily demolish the illegal structures and it cannot be held responsible for any damages/loss of property in said premises.”

This Court on 01.09.2017 granted *status-quo* be maintained by parties till 16.09.2017. This writ petition is taken up for considering the prayer of extending the interim order.

Mr. Narender Reddy, Standing counsel appearing for 3rd respondent contends that the petitioner, as matter of law has effective alternative remedy under the A.P. Panchayat Raj Act, 1994 and the consideration of the writ prayer virtually

amounts by-passing all the remedies under the Act, without a valid reason or exception.

Counsel for the petitioner fairly states that the order dated 26.08.2017 can be assailed before the Government by filing a Revision.

Without going into the merits of the matter, this Court is of the view that petitioners can be given opportunity to avail the remedy of Revision before the Government and writ petition is disposed of by this order.

1. Interim order granted on 01.09.2017 is directed to continue for a period of four (04) weeks from today.

2. Petitioners are given liberty to file Revision by enclosing a copy of this order before the Government within two (02) weeks and if a Revision is filed, as permitted by the Court, the Government considers passing orders on the stay application, if any, moved by the petitioners before the expiry of four (04) weeks period for which the interim order is extended. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S.V.BHATT, J

Date: 18.09.2017
Note: CC by 3 days
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