

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

WRIT PETITION No.7008 OF 2017

ORDER:

The Writ Petition is filed, under Article 226 of the Constitution of India, challenging the action of the respondents in trying to demolish the building in RS.No.92/1 in an extent of 158 square meters situated at Tadigadapa Village, Penamalur Mandal, Krishna District .

2. Heard the learned counsel for petitioner and learned Government Pleader for Revenue for 1st respondent, Sri Ravi Chimalapati for the 2nd respondent, and learned Standing Counsel for the Capital Region Development Authority-3rd respondent.

3. According to the petitioner, he is the absolute owner of the land admeasuring 158 square meters in RS No.92/1 of Tadigadapa Village, Penamalur Mandal, Krishna District having purchased the said property vide document No.2651/2016, dated 20-05-2016 from one Smt.T.SriLakshmi w/o Rama Mohan Rao. It is further stated that she obtained building permission from the 2nd respondent vide order in D.Dis.No.76/14 dated 15-09-2014 on payment of development charges and permission fee for constriction of building. It is alleged in the affidavit filed in support of the Writ Petition that officials of the 3rd respondent visited the construction site on 27-02-2017 and tried to demolish the structures without following due

process of law. It is contended by the learned counsel for the petitioner that unless and until the building permission is revoked under Section 113 of the Act, the 3rd respondent cannot take any action. It is further stated in the writ affidavit that no notice has been issued by the 3rd respondent for cancellation of the permission also. According to the learned counsel for petitioner, the impugned action is in total violation of the principles of natural justice. At the hearing, it is stated by the learned Standing Counsel for CRDA that if any action is needed, the same will be done only in accordance with law and by duly following the procedure under the Act.

4. Recording the said submission, the writ petition is disposed of directing the respondents not to demolish the building in RS.No.92/1 an extent of 158 square meters situated at Tadigadapa Village, Penamalur Mandal, Krishna District. It is, however, open for the 3rd respondent to take action as per law if they are advised to do so.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

28.02.2017
TSNR

A.V.SESHA SAI, J