

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.45654 of 2016**

**Date: 03.01.2017**

Between:

Sri Guntla Rama Krishna s/o.late Satyanarayana,  
Aged about 58 years, Occu: Business, r/o. D.No.23-20-6,  
Subba Rao Street, Satyanarayanapuram, Vijayawada,  
Krishna District.

.....Petitioner

and

Vijayawada Municipal Corporation, Vijayawada,  
Krishna District, rep.by its Commissioner and another.

.....Respondents



The Court made the following:

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

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**ORDER:**

Petitioner claims to be the tenant in the premises bearing No.29-3-11/2, Governorpet, Malladi Vari Street, Vijayawada. Petitioner challenges notice issued by the Vijayawada Municipal Corporation directing the petitioner to vacate the premises within three days from the date of receipt of that notice.

2. Learned counsel for petitioner contended that this final notice was not preceded by show-cause notice and granting opportunity to the petitioner as occupier of the subject premises to undertake such repairs as may be required to ensure stability of the building, but straightaway he was asked to vacate the premises with an intention to demolish the same.

3. Learned counsel appearing for 2<sup>nd</sup> respondent submits that he being the owner of the subject building and as building is in dilapidated condition, he has requested the Municipal Corporation to grant permission for demolition of building and at the instance of the Municipal Corporation, the structural stability report was obtained from the Civil Engineering Department, V.R.Siddartha Engineering College, Vijayawada. The said report indicates the stability of the building is not good and required to be demolished.

4. Learned standing counsel representing respondent Corporation does not dispute the allegation of the petitioner that no prior notice was issued.

5. However, since the issue is structural stability of the building and that learned counsel for petitioner asserts that earlier inspection was not conducted in his presence and in order to resolve the issue, I deem it proper to direct the petitioner as well as 2<sup>nd</sup> respondent to request the Civil Engineering Department, JNTU, Kakinada to assess the stability of the subject building and submit a report. Both counsels agreed to make a joint request to the JNTU, Kakinada.

6. Accordingly, the writ petition is disposed of directing the petitioner and the 2<sup>nd</sup> respondent to submit a representation within one week from the date of receipt of copy of this order requesting the JNTU, Kakinada to conduct inspection of the subject building and assess the structural stability of the building. JNTU shall inspect the building in the presence of petitioner and 2<sup>nd</sup> respondent, assess the stability of the building and shall submit a report to the Vijayawada Municipal Corporation within a period of two weeks after completion of such inspection. Based on the said report, the Commissioner may issue appropriate directions to the petitioner and the 2<sup>nd</sup> respondent. The directions issued by the Commissioner, based on the report of JNTU, Kakinada, shall be complied by the owner/occupier. It is made clear that there is no expression of opinion on *inter se* rights of the petitioner as well as 2<sup>nd</sup> respondent with reference to the lease granted by the 2<sup>nd</sup> respondent in favour of the petitioner. Petitioner is also directed to ensure the stability of the building till the inspection is conducted and report is submitted to the Municipal Corporation. Till appropriate orders are passed by the

Vijayawada Municipal Corporation, no coercive action shall be taken against the petitioner.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**JUSTICE P.NAVEEN RAO**

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kkm



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