

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

WRIT PETITION No.1860 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 situated in land admeasuring 402.5 square yards in R.S.No.12/1 of Yenamalakuduru Village, Penamaluru Mandal, Krishna District. He purchased the said property from his father Sri Sanga Madhava Rao by way of registered sale deed dated 18.01.2015 *vide* document No.7364 of 2015. The petitioner has further stated in the writ affidavit that before the said sale transaction, his father applied for construction permission for G+4 with respondent Nos.2 and 3 in respect of half of the total land and the same was approved by the 2nd respondent *vide* proceedings Dis.No.259/2015 dated 26.06.2015 and accordingly his father paid an amount of Rs.77,418/- towards construction fee on 26.06.2015. It is further stated that he also paid an amount of Rs.10,462/- to the 3rd respondent as required under the Rules. Thereafter, the petitioner's father applied for another permission for G+4 floors for the remaining half of

the land and the same was approved by the 2nd respondent *vide* proceedings Dis.No.282 of 2015 dated 22.07.2015 and accordingly the petitioner's father paid an amount of Rs.77,418/- and also an amount of Rs.10,462/- towards CRDA fee. It is the further case of the petitioner that he purchased the subject property along with the construction plan and the same is clearly mentioned in the registered sale deed and that he started construction of G+4 floors and completed the same. It is alleged in the affidavit filed in support of the writ petition that the officials of the 2nd respondent 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. CRDA 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 402.5 square yards in R.S.No.12/1, Yenamalakuduru, 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.

A.V. SESA SAI, J

20th January, 2017
ssp