

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18650 of 2017

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India challenging the notice dated 23.05.2017 issued by the respondent under Section 452 of the Hyderabad Corporation Act, 1955 and under Section 115 of the Capital Region Development Authority 2014, for demolition of the structures in 1st floor of ACC shed bearing D.No.34-3-33/ B, Library Street, Kasturibaipeta, Vijayawada, without following the due process of law.

The case of the petitioner is as follows:

The petitioner is the absolute owner and possessor of the building in question. The petitioner applied for permission vide application dated 21.04.2017 for construction of building with ground and first floors and he paid the requisite fee. The respondent accorded permission on 27.04.2017. While so, on 23.05.2017, the respondent issued impugned notice to the petitioner for removal of the unauthorized constructions. The petitioner gave reply informing that due to lack of funds, he could not start the construction as per the sanctioned plan. He also requested the respondent for modification of plan. But the respondent is trying to demolish the structures in the first floor of the building, without there being any intimation to the petitioner.

Heard and perused the material available on record.

The main grievance of the petitioner is that the respondent is trying to demolish the existing structures in the subject building, without following the due process of law, whereas it is submitted on behalf of the respondent that if the petitioner gives a reply to the impugned notice, the respondent will consider the same.

Considering the facts and circumstances of the case and the above submissions, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The petitioner is directed to submit his reply to the notice impugned on or before 10.08.2017 and on such reply, the respondent is directed to consider the same and pass appropriate orders as expeditiously as possible.”

With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

July 21, 2017
KTL



RAJA ELANGO, J

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