

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23709 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in issuing illegal Notice, dated 06.05.2017, without calling any explanation and illegally trying to demolish and dispossess the petitioner from his tiled house, situated at R.S.No.1/58 in T.S.No.1242, Srikakulam Town and District, as illegal, arbitrary and unconstitutional and contrary to the A.P. Municipal Corporation Act and Articles 14, 300A & 21 of the Constitution of India and consequently set aside the Notice, dated 06.05.2017, and further direct the respondents not to dispossess the petitioner from his tiled house, situated at R.S.No.1/58 in T.S.No.1242, Srikakulam Town and District, except procedure established under law.

2. Heard learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is the absolute owner and possessor of a tiled house, situated at R.S.No.1/58 in T.S.No.1242, Srikakulam Town and District, which was bequeathed by his mother through registered Gift Deed, dated 30.03.2016, vide Document No.1845/2016 and that the petitioner also obtained a plan approval from the

respondents for construction of RCC roofed ground and 1st floor building in the place of tiled house.

4. The main grievance of the petitioner is that the 2nd respondent issued a vague and illegal notice, dated 06.05.2017, with false allegations that the petitioner extended first floor slab to an extent of Ac. 0.65 cents towards North and further directed to remove the said extent, without seeking any explanation from the petitioner.

5. Learned counsel for the petitioner submitted that on receipt of the impugned notice, dated 06.05.2017, the petitioner has already addressed a letter, dated 17.05.2017, to the 2nd respondent through his Advocate, and the same is pending before the 2nd respondent and hence, he prayed this Court to direct the 2nd respondent to decide the issue after taking into consideration the letter submitted by the petitioner, dated 17.05.2017.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner, the Writ Petition is disposed of directing the 2nd respondent to decide the issue, in accordance with law, after taking into consideration the letter submitted by the petitioner, dated 17.05.2017, to the 2nd respondent. Till such decision is taken by the 2nd respondent on the basis of the representation, dated 17.05.2017, said to have been submitted by the petitioner, the respondents are directed not to take any coercive steps against the petitioner,

except following due process of law. There shall be no order as to costs.

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

RAJA ELANGO,J

Date: 19th July, 2017

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