

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.16962; 15003 and 18875 OF 2016

COMMON ORDER:

These writ petitions are being disposed of by this Common Order as they relate to the challenge made against the action of the 2nd respondent-Municipal Corporation of Kurnool in issuing the notices to demolish the Commercial shops situated in the complex of the Kurnool Swarnakara Shopping Complex Welfare Society, Kurnool.

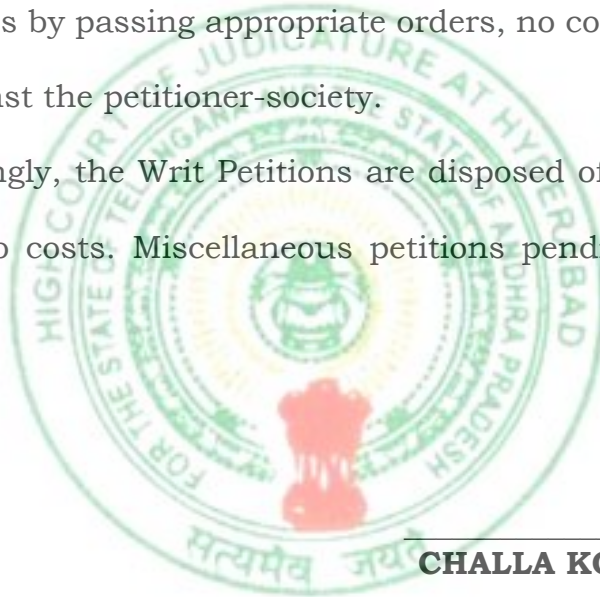
The brief facts of the case are that the petitioner's Society was established under the Society Registration Act, 1860, vide society Registration No.254/81. The Government of Andhra Pradesh has issued a G.O.Ms.No.1233, dated 08.12.1994 directing to alienate the government land an extent of Ac.0-49 cents, situated in Sy.No.35/5c/A10/A2 in Kurnool town near the old bus stand, in favour of the petitioner's society. Accordingly out of 400 members of the Society, 179 members have contributed for payment of market value amount of Rs.37,84,560/- to the Government and the Government has issued possession Certificate on 10.11.1995. Thereafter, after obtaining loan of Rs.70.42 lakhs from the State Bank of India, the petitioner's society constructed a shopping complex, consisting of ground + 2 floors, in the said premises after obtaining Permit No.1308/99, dated 17.08.1999. After lapse of about 16 years, the 2nd respondent issued the impugned notices, alleging some shops were constructed illegally by deviating the approved plan, which are questioned in the present writ petitions.

Learned counsel for the petitioner submits that the petitioner-society has submitted its explanation to the impugned notices, however, the 2nd respondent, without considering the explanation

submitted by the petitioner, proceeding to demolish the shops, which are under renovation.

The only grievance of the petitioner society is that without considering its explanation the 2nd respondent is proceeding to demolish some of its shops, interest of justice would be served if the Writ Petition is disposed of with a direction to the 2nd respondent to consider the explanations submitted by the petitioner's Society in accordance with law, particularly, keeping in view of the Full Bench judgment of this Court in **3 Aces v. Municipal Corporation of Hyderabad**¹. Further directed, till disposal of the said representations by passing appropriate orders, no coercive steps shall be taken against the petitioner-society.

Accordingly, the Writ Petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.



CHALLA KODANDA RAM, J

Date:17.04.2017.
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¹ 1995 (1) ALD 1 (FB)