

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7728 OF 2017

ORDER :

The action of Respondents 2 and 3 - Narsipatnam Municipality and its Town Planning Officer in demolishing the structures raised over the property bearing House No. 6-6-41, Peddaboddepally, Narsipatnam Municipality, Visakhapatnam, is under challenge in this Writ Petition.

The petitioner claims to be the owner and possessor of the above-said house property, by way of inheritance. Her case is that on 28.02.2017, the officials of Respondents 2 and 3, without issuing any notice nor seeking her explanation, demolished the parapet wall on the first floor.

Heard learned counsel for the petitioner.

Learned Standing Counsel for the 2nd respondent Municipality assures this Court that the respondent authorities will not proceed with the subject property, except by following the procedure laid down under Section 217 of the A.P. Municipalities Act, 1965.

In view of the limited case set up by the petitioner and in view of the assurance held out by the learned Standing Counsel, it is appropriate for this Court to direct Respondents 2 and 3 to issue notice to the petitioner under Section 217 read with Section 228 of the 1965 Act, if they want to proceed with the house property in question any further. Ordered accordingly.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

06th March 2017

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