

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23056 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the 2nd respondent in issuing notice, dated 23.06.2017, in U.C. No.39 of 2017 for demolition of structures of the petitioner situated in Sy.No.49/ A1 of an extent of 306.11 square yards, at Chowdeswari Nagar Road, 3rd Ward, Bandameeda Kammappalli Village, Madanapalli Mandal, Chittoor District, as illegal and arbitrary and consequently, direct the respondents 2 and 3 not to demolish the structures in the above said property.

The case of the petitioner is that he is the owner and possessor of the abovementioned property and he obtained the same through a registered Gift Settlement Deed, dated 11.06.2003, executed by one B. Adilakshmi W/o.Reddeppa in his favour. On 23.06.2017, the 2nd respondent – Commissioner, Madanapalli Municipality, issued notice under Section 228(1) and (2) of the A.P. Municipalities Act, 1965 to the petitioner directing him to stop construction of brick-wall of 26 x 50 measurements and to remove the same within seven days from the date of receipt of the notice, since the petitioner constructed the said wall without obtaining permission from the 2nd respondent. Immediately, the petitioner submitted his explanation. But, without considering the explanation submitted by the petitioner, the 2nd respondent is trying to demolish the structures of the petitioner's property. Hence, this writ petition.

Heard and perused the material available on record.

Considering the circumstances of the case and the grievance of the petitioner, without going into the merits of the case, this Court is inclined to pass the following order.

The 2nd respondent – Commissioner, Madanapalli Municipality, Madanapalli, Chittoor District, is directed to consider the explanation submitted by the petitioner to notice, dated 23.06.2017, and pass appropriate orders in accordance with law. Till such time, the 2nd respondent is directed not to take any coercive steps in respect of the subject property.

With the above directions, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

July 12, 2017
KTL



RAJA ELANGO, J