

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.29881 & 29947 OF 2017

COMMON ORDER

Since the parties and issue involved in both the writ petitions is one and the same, they are being disposed of by this common order.

The petitioners are wife and husband. They filed the present writ petitions challenging the impugned show cause notices dated 02.07.2017 issued by the 2nd respondent asking them to show cause as to why action should not be taken for the un-authorized constructions made by them.

The petitioner in W.P.No.29881 of 2017 claims to be the absolute owner and possessor of residential plot admeasuring 264 square meters situated in Sy.No.170/3, Undavalli Village, whereas the petitioner in W.P.No.29947 of 2017 claims to be the owner and possessor of residential plot admeasuring 270 square meters in the said survey number and same Village.

Pursuant to the applications submitted by the petitioners, the 4th respondent accorded permission for construction of two floors over the existing ground floor in D.No.3-250 of the said village. The petitioners constructed three floors along with over head tank. While so, on 26.5.2017, the 5th respondent issued show cause notices under Section 115 of A.P.C.R.D.A Act, 2014, vide G.O.Ms.No.62, dated 27.3.2015, and the petitioners were asked to submit their explanations, and they have accordingly submitted the same. But, without considering the same, when another show cause notices were issued on 2.7.2017, the present writ petitions are filed.

In the impugned show cause notices, it is stated that though the petitioners obtained permission for construction of two buildings with two floors, they have constructed one building without permission for construction of third floor and they were asked to submit their explanation within seven days. Pursuant to the same, it appears that the petitioners have submitted their explanations on 16.8.2017 stating that

only small changes were made due to vastu problem and sought for dropping all further actions.

Since the explanations submitted by the petitioners are pending consideration before the authorities, it is for the authorities to pass appropriate orders thereon in accordance with law.

Accordingly, both the writ petitions are disposed of directing the 5th respondent to pass appropriate orders in accordance with law pursuant to the explanations submitted by the petitioners on 16.8.2017 to the impugned show cause notices dated 2.7.2017. It is needless to observe that till the final orders are passed by the 5th respondent, no coercive steps for demolition of the structures shall be taken.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

25th October, 2017
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