

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.7033 OF 2012

ORDER:

This Writ petition, under Article 226 of the Constitution of India, is filed by the petitioners to declare the action of the 2nd respondent in asking the petitioners to demolish the structures in the premises of the petitioners in D.No.8-20-5 & 8-20-5/1, Balaji Nagar, Vizianagaram respectively, pursuant to the orders passed in B.A. No.670/ 2010, dated 24.10.2011, and consequential proceedings in UC.No.09/ 2011, dated 27.10.2011, which are served on 02.03.2012, as illegal and arbitrary, and consequently, direct the respondent authorities not to demolish the petitioners' building.

Heard and perused the material available on record.

The case in brief is that the petitioners purchased the subject land under valid sale deeds and after obtaining permission from the 2nd respondent the petitioners have constructed buildings by obtaining loan from the Andhra Bank. Subsequently, the 2nd respondent issued proceedings, dated 24.10.2011, revoking the permission granted to the petitioners and also issued notice, dated 27.10.2011, to the petitioners as to why an order of removal of structures should not be passed and asking them to submit their explanation within a period of ten days from the date of receipt of the said notice. Hence, this writ petition.

Learned counsel for the petitioner submitted that notice, dated 27.10.2012, was received by the petitioners on 02.03.2012, and the petitioners have submitted their explanation on 03.03.2012 itself, but the 2nd respondent without passing any orders till date, kept the same pending, and hence, the 2nd respondent may be directed to pass orders

by taking into consideration the explanation, dated 03.03.2012, submitted by the petitioners.

Considering the facts and circumstances of the case and also the submissions of the learned Counsel for the petitioners, this Court is inclined to pass the following order:

The Commissioner, Vizianagaram Municipality – 2nd respondent is directed to consider the explanation, dated 03.03.2012, submitted by the petitioners and pass appropriate orders in accordance with law. Till such time, the 2nd respondent is directed not to demolish the structures in the subject premises.

No order as to costs. Miscellaneous petitions pending if any, shall stand closed.

February 10, 2017.
KTL

RAJA ELANGO, J



