

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.35146 of 2017

ORDER:

Heard the learned counsel for the petitioner and Sri T.Laxminarayana Reddy, learned Standing Counsel for the respondent Municipal Corporation.

2. The grievance of the petitioner in the present writ petition is the alleged action of the respondents 2 to 4 in trying to demolish the building bearing D.No.10-7, Ganesh Nagar, Near Indira Nagar in an extent of 162 sq yards situated in Sy.No.4/7 Part of Gopalapatnam, Visakhapatnam without issuing any notice.

3. According to the petitioner, he purchased an extent of 162 sq yards of property as mentioned supra with building vide Registered Sale Deed dated 27.03.2014 from one Narripanni Veera Venkata Satyanarayana vide registered Doc.No.691/2014. It is further stated in the writ affidavit that as the building became very old, petitioner herein applied for permission for construction of G+ 1 vide application No.12269/2014, dated 25.04.2014 and the second respondent vide proceedings dated 22.11.2014 in B.A.No.12269/2014/ACP-VI, granted permission for construction of Ground plus First Floor. It is also the case of the petitioner herein that he constructed the building and residing therein. It is further stated that the petitioner herein filed O.S.No.345 of 2014 on the file of the II Additional Junior Civil Judge, Visakhapatnam against the fifth respondent for permanent injunction and the trial Court on 28.12.2016 came to the conclusion that the petitioner is in possession of the property, but however, dismissed the suit directing the parties to file suit for declaration. It is alleged in the writ affidavit that the fourth respondent without issuing any prior notice came to the residence of the petitioner herein on 20.10.2017 along with the staff on the complaint made by the fifth respondent. Apprehending demolition of the subject construction, without being preceded by any notice, the present writ petition is filed by the petitioner herein.

4. At the hearing, it is submitted by the learned Standing Counsel for the respondent Municipal Corporation Sri T.Laxminarayana Reddy that

there is no threat of demolition as alleged by the petitioner herein and the respondent authorities have received a complaint from the fifth respondent on 29.06.2017 and the same is under consideration and the respondent Corporation will proceed strictly in accordance with law.

5. In view of the above, the writ petition is disposed of by placing on record the above said submission of the learned Standing Counsel for respondent Corporation. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 23.10.2017
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.35146 of 2017

Dated: 23.10.2017

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