

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37764 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents particularly the respondent No.3 for issuing the show cause dated 31.10.2017 vide Rc.No.CRDA-12021(51)/222/2017/VJA and the consequential notice dated 06.11.2017 vide Rc.No.CRDA-12021(51)/222/2017/VJA directing the petitioner to remove the construction make in the 3rd floor of the premises in RC.No.122/24 situated at D.No.3-33, Tadigadapa, Near L.V.Prasad Eye Hospital, Tadigadapa Village, Penamaluru Mandal, Krishna District is illegal, arbitrary, unconstitutional.”

(Reproduced Verbatim)

2. I have heard the submissions of Sri *S.M.Subhani*, learned counsel for the petitioner, Sri *D.Ramesh*, learned Standing Counsel for respondents 2 and 3 and of Sri *G.Seshadri*, learned Standing Counsel for respondent No.4. I have perused the material record.

3. Learned counsel for the petitioner would submit that the notice impugned was issued by Assistant Director and he is not a competent person to issue such a notice and that the constructions of the petitioner are being attempted to be pulled down without following the procedure established by law. He would further submit that if the respondents are directed to follow the procedure established by law before taking any coercive action in respect of the constructions made by the petitioner in the

subject property, the grievance of the petitioner would be redressed.

4. In reply, learned Standing Counsel appearing for respondents 2 and 3 would submit that constructions were made in gross violation of the permission accorded to the petitioner and that as per the terms of G.O.Ms.No.62, action is initiated and that the said action is in accordance with the procedure established by law. He would further submit that the respondents would follow the procedure established by law in the matter.

5. Recording the submissions, the Writ Petition is disposed of directing the respondents not to pull down or demolish the structures of the petitioner in the subject property, except after following the procedure established by law. It is made clear that the respondents after following the procedure established by law shall be at liberty to pull down the structures, which are made in contravention of law and permission accorded. The petitioner shall maintain absolute *status quo* obtaining as on today, and shall not made any further constructions in deviation of the permission accorded for construction.

As a sequel, miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

M.SEETHARAMA MURTI, J

NOVEMBER 14, 2017

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Date: 14.11.2017