

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.39236 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“..to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to direct the respondents not to interfere with the renovation works to the building of the petitioner bearing Municipal No.4-2-226 (old), 4-2-309 (new), situated abutting to NH16 PWD wide road, Nizamabad to Nanded, Opp. New Bus Station, Bodhan, Nizamabad in any manner, without following due process of law, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard *Sri Vedula Srinivas*, learned senior counsel appearing for the petitioner; and, *Sri N.Praveen Kumar*, learned Standing Counsel appearing for the respondents 1 to 3. I have perused the material record.

3. The submissions and the grievance of the petitioner, in brief, are as under: 'The petitioner firm purchased under a registered sale deed, dated 24.10.2016, a building consisting of ground + four floors, which was being used for running a hotel, by name, Goutham Hotel in Municipal No.4-2-226 (old), 4-2-309 (new), abutting to NH16 PWD wide road, Nizamabad to Bodhan, situated opposite to new Bus Station, Nizamabad, admeasuring 477.22 Square Yards. The vendor of the petitioner got the building regularised, by proceedings, dated 21.11.2012. The petitioner is running a lodge in the upper floors of the building. In order to improve the looks of the building, the petitioner has undertaken certain renovation works related to flooring in the ground floor, fixing of shutters to mulgies, fixing of acrylic sheets in the front portion etcetera. No addition was done to the building. No

construction of substantial nature was taken up. If renovation is completed, the building remains as it is with improved looks. The renovation work was undertaken without changing the plinth area of the building. When a notice, dated 16.10.2017, was issued under Section 228(1) of the A.P. Municipalities Act, the petitioner got issued a reply notice, dated 01.11.2017, stating the facts. Thereafter a provisional order, dated 16.10.2017, was passed. To the said order, the petitioner got issued a reply notice, dated 01.11.2017, putting forth his objections. However, the objections were not considered and no further orders are passed by the Municipality.'

4. Learned Standing Counsel appearing for the respondents would submit that the Municipality will consider the objections of the petitioner and pass appropriate orders in accordance with the procedure established by law.

5. Recording the submissions, the Writ Petition is disposed of directing the 1st respondent to consider and dispose of the objections of the petitioner, in strict accordance with the procedure established by law, however, within three weeks from the date of receipt of a copy of this order; and, communicate the decision taken thereon to the petitioner within a week thereafter. Till such exercise is completed, the respondents are directed to not to interfere with or demolish the constructions in question that were said to have been made in the subject property by the petitioner. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

21st November, 2017
RAR

M. SEETHARAMA MURTI, J