

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43630 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in highhandedly attempting to demolish the structures of the petitioner's Schedule - A property admeasuring 440 Square Yards bearing Plot No: 6C & 6D, covered by Survey No: 4/5 Part of Gopalapatnam within the limits of Greater Visakhapatnam Municipal Corporation, Visakhapatnam District without issuing any notice and without following the due process of law as illegal, arbitrary, unjust, malafide and against the principles of natural justice and is contrary to the procedure contemplated under law and also in violation of constitutional rights guaranteed under Article 14 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the structures or interfering with the possession and enjoyment of the petitioner's Schedule - A property admeasuring 440 Square Yards bearing Plot No: 6C & 6D, covered by Survey No: 4/5 Part of Gopalapatnam within the limits of Greater Visakhapatnam Municipal Corporation, Visakhapatnam District and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

2. I have heard the submissions of Sri *Sree Rama Rao Yerraguntla*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *S.Lakshmi Narayana Reddy*, learned Standing Counsel for the Greater Visakhapatnam Municipal Corporation, appearing for the respondents 2 & 3. I have perused the material record.

3. It is undisputed at the hearing that after the writ petition is filed, a show cause notice, dated 22.12.2017, was issued under Sections 452(1) & 461(1) of the Greater Hyderabad Municipal

Corporation Act, 1955, and that the petitioner has submitted its explanation on 26.12.2017. The copies of the show cause notice and the explanation are made available to the Court for perusal.

4. Having regard to the facts and submissions, the Writ Petition is disposed of directing the 3rd respondent to consider and dispose of the explanation of the writ petitioner, dated 26.12.2017, by affording an opportunity of being heard to the petitioner and in strict accordance with procedure established by law, however, within a period of four (04) 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 not to take any coercive action against the constructions made by the petitioner in the subject property. However, the petitioner is also directed to maintain absolute *status quo* as on today without making any further constructions in the subject property till such exercise is completed.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 27th December, 2017

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