

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40098 OF 2017

O R D E R :

The grievance of the petitioner is that the petitioner is the owner and possessor of building with premises No.29-4-54K at Prakasam Road/Governerpet, Vijayawada with land admeasuring about 3,336.38 sq.mtrs. The petitioner made an application seeking permission for construction of a new building in a portion thereon to an extent of 1182.70 sq.mtrs. (after deducting the area for road widening etc.) and there after the respondent granted permission vide permit No.1073/0390/B/VMC/GOV/2016, dated 16.03.2016. Pursuant to the said permission, the petitioner has been constructing the building which is in advanced stage. While so, the respondent issued a notice bearing UC.No.36/2017, dated;nil, under Section 115(1) of A.P.Capital Region Development Authority (APCRDA) Act, 2014, directing the petitioner to give reply within seven days and to stop construction. Though the respondents styled it as 'notice' there is a decision about plan being revoked. In pursuance to the said notice, the petitioner submitted reply through his lawyer on 08.11.2017, stating that there are no deviations and the construction is in accordance with the sanctioned plan. But, the respondent, without passing any orders on the same, is trying to disturb the construction work. Aggrieved by the same present writ petition is filed.

Learned counsel for the petitioner submits that without notice the respondents cannot revoke the building permission of the petitioner and that petitioner has already submitted reply to the impugned notice.

Heard Smt.Jhansi, learned Standing Counsel for the respondent who submits that since there are deviations, petitioner was issued impugned notice.

It is to be seen that the petitioner has already submitted his explanation to the impugned notice, as such, it is for the competent authority to consider the same and take action.

In view of the same, the competent authority is directed to consider the explanation submitted by the petitioner in pursuance to the impugned notice and pass orders after giving opportunity of hearing to the petitioner and take action accordingly.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

06.12.2017
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