

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.40598 of 2017

ORDER:

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

“...to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the action of the 2<sup>nd</sup> respondent in proposing to demolish the Tin Shed erected in the premises bearing D.No.69-1-26/ 2, Gaigolupadu, Ward No.5, Kakinada as illegal, arbitrary and mala fide and enjoyment of the tin shed erected in the petitioner's premises bearing D.No.69-1-26/ 2, Gaigolupadu, Ward No.5, Kakinada, East Godavari District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of *Sri N.Siva Reddy*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1<sup>st</sup> respondent; and, of *Sri A.Panduranga Rao*, learned Standing Counsel appearing for the 2<sup>nd</sup> respondent. I have perused the material record.

3. Learned counsel appearing for the petitioner would submit that at the time of purchase, there used to be an old tiled shed and the same was removed and a tin shed is erected in its place and that when there is a threat of demolition, the petitioner submitted a representation, dated 23.06.2017, along with the plan for according approval for construction of the building and that without considering the same, coercive action is being proposed to be taken against the said construction. He would further submit that if the said representation submitted along with the plan is considered and disposed of by the competent authority, in accordance with the procedure established by law, the ends of justice would be met.

4. Learned Standing Counsel appearing for the 2<sup>nd</sup> respondent while endorsing the said submissions, would further submit that the Municipal Corporation will proceed against the constructions made, in accordance with the procedure established by law.

5. Recording the submissions, the Writ Petition is disposed of directing the 2<sup>nd</sup> respondent to consider and dispose of the representation, dated 23.06.2017, along with the plan, submitted by the petitioner, in accordance with the procedure established by law, however, within a period of three weeks, from the date of receipt of a copy of this order; and communicate the decision taken thereon within a week thereafter. Till such exercise is completed, the constructions made in the subject property shall not be interfered with or demolished in any manner, except by following the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

30.11.2017

M.Seetharama Murthi, J

Note:- Issue CC by 04.12.2017

(B/o)

RAR