

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.42708 of 2017

ORDER:

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

“...to issue an order or direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities in interfering with the petitioner's construction of a building as per the approved plan in an extent of 60 sq. yards in TS No.9, Santhi nagar, Vizianagaram Town and district without issuing any notice whatsoever or following due process of law as arbitrary, illegal, null and void, against norms of public policy and principles of natural justice and violative of fundamental rights guaranteed under Constitution of India and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of *Sri Venkateswara Rao Gudapati*, learned counsel for the petitioner; learned Government Pleader for Revenue appearing for the respondents 2 and 4; and, of *Sri N.Venkateswarlu*, learned Standing Counsel representing the 3rd respondent. I have perused the material record.

3. The case of the petitioner is this: 'The petitioner is a person below the poverty line. Considering his poor financial status, an extent of 60 square yards in T.S.no.9, Santhi Nagar, Vizianagaram Town was allotted to him. Having obtained a building permit, he is proceeding to make construction. Without issuing a notice, interference is being caused to such construction by the respondents 3 and 4. The petitioner has also obtained a loan for construction of the building based on a patta granted to him, on 21.09.2016, under NTR Town Housing Scheme of 2016-2017. The construction is being made with the sanctioned loan amount and that in view of the interference being caused to the construction activity; the present writ petition is filed.'

4. Learned Standing counsel appearing for the 3rd respondent, on written instructions, would submit that the petitioner having obtained a building permit in respect of 60 square yards of site is proceeding to make construction in a larger extent of site of about 84 square yards, and that, a notice, dated 16.12.2017, was already issued to the petitioner and that after the petitioner submits an explanation to the said show cause notice, appropriate action in accordance with the procedure established by law would be taken. During the course of hearing, a copy of the said notice is furnished to the learned counsel for the petitioner.

5. Having regard to the submissions, the Writ Petition is disposed of directing the petitioner to submit an explanation to the said notice, dated 16.12.2017, issued by the 4th respondent within two weeks from the date of receipt of a copy of this order. On receiving such representation of the petitioner, the 4th respondent shall consider the same and pass appropriate orders in strict accordance with the procedure established by law as expeditiously as possible and communicate the decision taken thereon to the petitioner within a week after taking such decision. Till such exercise is completed by the 4th respondent, the respondent authorities are directed to not to interfere with the constructions of the petitioner. In the event, the 4th respondent passes any order adverse to the interests of the petitioner; he shall pass a reasoned order. Pursuant to any such order, if any, action comes to be initiated against the petitioner, the same shall be in accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M. SEETHARAMA MURTI, J

20.12.2017
RAR