

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.29371 of 2016

ORDER:

The prayer sought for in this writ petition is as under:

“....to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents not to take steps to demolish/interfere with the construction of the building nearer to the Door No.37-8-1 in an extent of 250 square yards together with compound wall in Plot No.12 in Sy.No.7/2A1B (Old Sy.No.7/2B Part) of Kapparada, at Satyanagar in Ward No.38 (Greater Visakhapatnam Municipal Corporation) without recourse to law as illegal, arbitrary and violative of principles of natural justice and consequently to direct the respondents not to interfere with the said construction activity of the petitioner.”.

Heard the learned counsel for the petitioner and the learned Government Pleader.

On 1.9.2016, this Court passed the following order:

“ There is no proof of service of notices dt. 26.07.2016 and 26.08.2016 allegedly issued by the 2nd respondent to the petitioner. However, copies of these notices have been handed over to the learned counsel for the petitioner today in the Court. The petitioner is granted four weeks’ time from today to file an explanation to these notices. The 2nd respondent shall then pass a reasoned order and communicate the same to the petitioner before taking any steps under Section 636 of the said Act to demolish the structures erected by the

petitioner. If the petitioner does not submit his explanation to these notices within the time stipulated above, it is open to the 2nd respondent to take action in accordance with law to demolish the structures erected by the petitioner to the extent they are in violation of the sanctioned plan. Pending decision by the 2nd respondent, the petitioner shall not make any further constructions in the matter”.

During the course of hearing, it is brought to the notice of this Court that pursuant to the orders passed by this Court on 1.9.2016, the respondent No.2-Corporation has considered the explanation submitted by the petitioner and passed final order under Section 636 of the Greater Hyderabad Municipal Corporation Act, 1955, on 20.9.2016.

In the light of the same, no further cause would survive in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

JUSTICE P. KESHA RAO

Date: 20.4.2018
Slk

THE HONOURABLE SRI JUSTICE P. KESHAVA RAO



WRIT PETITION No.29371 of 2016

Date: 20.04.2018

slk

