

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.986 OF 2016

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for respondents 2 and 3.

The prayer in the writ petition is as under:

“.....to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 2 and 3 in trying to demolish the Flat T-2 in third floor, Keerthana's Enclave, D.No.37-12-4/5/6 NGGOs. Colony, Kapparada, Visakhapatnam, pending consideration of the building penalization application dated 25.6.2015 (Vide Transaction ID.BPS/VIS/Z4/38/0527115), without following the due procedure as illegal, contrary to law, violation of principles of natural justice and violation of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents 2 and 3 not to demolish the subject flat and pass such other order...”

The facts of the case are that the petitioner purchased flat No.T-2 in third floor through a registered sale deed dated 30.10.2013 vide document No.2697/2013 for a valuable consideration. The subject flat was provided with all civil amenities from the concerned Government organization. After purchase, 2nd respondent-Corporation mutated the name of the petitioner in municipal records and the subject property was assessed to property tax. The petitioner is also paying the tax to 2nd respondent-Municipal Corporation regularly. However, subsequent to the purchase, the petitioner noticed that the 3rd floor was constructed without obtaining any permission from the 2nd respondent-Corporation. However, the Government of Andhra Pradesh issued orders in the month of May, 2015 framing guidelines to penalize and regularize the buildings constructed unauthorisedly. Pursuant to the said scheme, the petitioner

submitted an application dated 25.06.2015 for penalization and regularization of the subject flat along with all relevant documents. The said application was received and acknowledged by the 2nd respondent-Corporation. During the pendency of the said application, the official respondents 2 and 3 came to the said flat on 04.01.2016 and threatened to demolish the flat alleging that it was constructed unauthorisedly. Aggrieved by the said action, the present writ petition is filed.

When the writ petition is taken up for hearing, learned Standing Counsel appearing for respondents 2 and 3, would submit that the said flat was already regularized and placed on record, the proceedings No.BPS/VIS/Z4/38/0527115, dated 24.04.2017 whereunder the said flat has already been regularized.

In the light of the same, no further cause would survive in the writ petition.

Accordingly, the writ petition is closed. No costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE P.KESHA RAO

Date : 17.04.2018
ssp