

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.33776 OF 2018

ORDER:

Heard learned counsel for the petitioners, learned Government Pleaders for Municipal Administration and Urban Development and Roads & Buildings, appearing for respondent Nos.1 and 3 respectively, Sri Nimmagadda Venkakateswarlu, learned Standing Counsel, appearing for the second respondent, and Sri T.B.B.Krishna Mohan, learned counsel, appearing for respondent Nos.4 and 5, apart from perusing the entire material on record.

In the present Writ Petition challenge is to the notice, bearing Roc.No.670/2018-G1, dated 23.08.2018, calling upon the petitioners herein to remove the shops in the premises bearing No.9-246 to 9-254 of Nuzvid Town, Krishna District.

According to the learned counsel for the petitioners the impugned action has been resorted to at the instance of the unofficial respondents, who are the owners of the property and who filed two civil suits, vide O.S.Nos.94 and 100 of 2014, before the Senior Civil Judge, Nuzvid.

In the affidavit, filed in support of the Writ Petition, it is stated that the petitioners herein are ready to get the structural

stability examined by any other agency, including JNTU, Kakinada.

On the other hand, it is submitted by the learned Standing Counsel that the second respondent-Nuzvid Municipality will request the JNTU, Kakinada to inspect the subject premises and to submit a report as to the structural stability of the building, subject to payment of the expenses by the petitioners herein.

In view of the above, Writ Petition is disposed of, keeping it open to the second respondent-Nuzvid Municipality to address the JNTU, Kakinada and to get the structural stability examined and to take further action, strictly in accordance with law. Till then, no coercive action, with regard to the subject structures, pursuant to the impugned notice, bearing Roc.No.670/2018-G1, dated 23.08.2018, shall be taken by the second respondent-Nuzvid Municipality. The said exercise shall be completed as expeditiously as possible. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A.V.SESHA SAI, J

19th September, 2018
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