

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.34129 OF 2017

ORDER:

Heard learned counsel for the petitioner and learned standing counsel for the second respondent.

The petitioner states that he is the absolute owner of the property bearing Nos.27-5/6 to 9, situated at Tatimakulapayam Road, Punganur, Chittoor District. He constructed G+2 building after obtaining permission and is residing in the said building. He also states that he has been paying necessary charges to the Authorities regularly. When there were some deviations in the construction of the building, he submitted an application under Building Penalization Scheme on 14.07.2015 seeking for regularisation and penalisation of the building constructed unauthorisedly. The said application was considered and the second respondent issued proceedings on 31.10.2016 directing him to pay penal charges and on payment of the penal charges, regularised the deviations. However, when the second respondent issued notice on 10.10.2017 directing the petitioner to remove the said structure within three days, the present writ petition is filed.

Learned counsel for the petitioner submits that the said order of removal was passed without issuing any notice to the petitioner and the learned standing counsel for the second respondent fairly submits that the impugned notice can be taken as a show cause notice and the petitioner can submit his explanation. After considering the explanation, appropriate orders would be passed by the second respondent.

In the circumstances, this writ petition is disposed of directing the petitioner to submit explanation to the notice, dated 10.10.2017, within fifteen days from the date of receipt of a copy of this order, and as and when the petitioner submits his explanation, the second respondent shall

consider the explanation of the petitioner and pass appropriate orders in accordance with law. If the petitioner does not submit any explanation as aforesaid, it is open to the second respondent to take necessary action. It is needless to observe that till the final order is passed by the second respondent pursuant to the explanation submitted by the petitioner, no coercive steps shall be taken by the second respondent.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in the writ petition shall stand closed.

17.04.2018
pln

A.RAMALINGESWARA RAO, J

