

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.42298 of 2018

ORDER:

1) Heard learned counsel for the petitioner and Sri Balaji Medamalli, learned Standing Counsel appearing for respondent Nos.2 and 3.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondents in commencing the activity of demolition of the parts of building H.No.11-62-50, Revenue ward No.39, Canal Road, Vijayawada – I, Krishna District, as illegal and arbitrary.

3) Though various grounds are raised, learned counsel for the petitioner would submit that the action of the authorities in trying to remove the structures, without following due process of law, is illegal and contrary to principles of natural justice.

4) On the other hand, learned Standing Counsel would contend that issuance of notice would not arise in view of the Rules framed in A.P.Building Rules.

5) The said contention is opposed by the learned counsel for the petitioner stating that any constructions alleged to have been made illegally cannot be demolished, without issuing prior notice.

6) Having regard to the facts and circumstances of the case, the authorities concerned shall issue notice to the petitioner calling for an explanation with regard to the unauthorized construction made and thereafter pass orders, in accordance with law. The entire exercise of issuing notice and passing orders should be completed within a period of four (04) weeks from the date of receipt of a copy of the order. It is needless to mention that the petitioner shall cooperate in submitting his explanation to the show cause notice and then, if necessary advance his arguments before the authorities concerned. Till such time, neither the petitioner shall proceed with the construction over the subject property, nor the respondents shall interfere with the property in question.

7) With the above direction, the writ petition is disposed of.

8) There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt: 30.11.2018

vhb