

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1616 OF 2018

JUDGMENT: (ORAL) (Per Hon'ble Sri Justice S.V. Bhatt)

Heard Ms. Hema Jaiswal, learned counsel for the appellant - respondent No.4, Sri N. Naveen Kumar, learned counsel for respondent No.1 - writ petitioner, learned Government Pleader for Municipal Administration for respondent No.2 and Sri Nimmagadda Venkateswarlu, learned counsel for respondent Nos.3 and 4.

2. The operative portion of the order under appeal is modified as follows:

- 1) The appellant is given two (2) weeks time from today to submit explanation together with proof that the construction undertaken at subject site is in accordance with law. A copy of this order can be enclosed along with the representation / application.
- 2) The Municipality, Bapatla, affords opportunity to the appellant, passes order, if unauthorized construction is found at the subject premises, grants time in accordance with law to the appellant to remove the unauthorised construction, and thereafter, if the unauthroised construction is allowed to remain notwithstanding the order, then the demolition is

undertaken. The exercise directed above is directed to be taken up and completed within six (6) weeks from today.

- 3) The appellant is directed not to undertake fresh construction or change physical features of the subject matter.
- 4) For the purpose of ensuring that no construction is undertaken by the appellant, the Municipality takes photographs of the construction of the even date and preserves it for consideration, if required at future point of time.
- 5) The directions issued by us will not be understood as in any manner interfering with the civil litigation orders passed by the civil Courts. The authorities consider the complaint strictly in accordance with law.

3. With the above modifications and directions, the Writ Appeal is disposed of. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Writ Appeal stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

December 13, 2018.

NOTE:

Issue C.C. of the order forthwith.

(BO) PV