

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.1830 of 2019**

**O R D E R:**

In this writ petition, petitioner seeks to declare the action of the respondent authorities in issuing notices, dated 10.12.2018 and 17.01.2019 with respect to demolition of the unauthorized construction of his house bearing No.26-1-38 situated at Station Road Colony, Bellampally, Mancherial District.

The petitioner asserts that pursuant to the provisional notice, dated 10.12.2018, he was issued a final notice on 17.01.2019 directing him to remove the tin shed with compound wall at Survey No.170PP, opposite to Singareni Area Hospital, Ward No.19, Bellampally Municipality, on the ground that it was constructed without obtaining any prior permission as required under the Telangana Municipalities Act, 1965, within three days from the date of service thereof; that the provisional notice was issued to the address, H.No.19-276/b, Station Road Colony, Bellampally, as such, it was not served on him as he is residing in house No.26-1-38, Station Road Colony, Bellampally, and the same was made over to him subsequently; that in the provisional notice, dated 10.12.2018, he was directed to stop the unauthorized construction of basement located at Survey No.170PP, Opposite to Singareni Area Hospital, Ward No.19, Bellampally Municipality; that there is variance in the provisional and final notices with respect to the description of the property; that he purchased the subject property under a registered sale

deed, dated 29.05.2018 which clearly mentions about the existence of the structure over an extent of 171 square feet and that except the structure as mentioned in the sale deed, no other structure is existing on the site and he did not make any construction.

Heard learned counsel for the petitioner and learned Standing counsel for respondent No.2

As the final notice, dated 17.01.2019 was served on the petitioner on 27.01.2019 and particularly, the specific assertion of the petitioner that he did not make any construction in the subject site except the one mentioned in the sale deed, the writ petition is disposed of giving liberty to the petitioner to submit his explanation by stating all the facts, within ten days from today and with the direction to the respondent authorities to consider the same and pass appropriate orders. If the existing structures are in conformity with the sale deed, the same shall not be disturbed in any manner till passing of such orders.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

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**CHALLA KODANDA RAM, J**

Dt:01.02.2019

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