

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3477 OF 2019

ORDER:

The petitioner challenges the order dated 13.02.2019.

Heard learned counsel for the petitioner and learned Standing Counsel for the second respondent.

The grievance of the petitioner is with respect to the portion of the impugned order, directing him to remove the alleged illegal constructions raised towards southern side of the subject building on the ground that the same was made in deviation to the approved plan. It is the submission of the petitioner that the procedure prescribed in law, particularly Section 228 of the Andhra Pradesh Municipalities Act, 1965 (for short, 'the Act') has not been followed by bringing to the notice of the petitioner, the specific deviations made from the approved plan. In those circumstances, the present Writ Petition is filed.

Learned Standing Counsel submits that the grievance of the petitioner is justified. However, considering the allegation in the impugned communication that the petitioner had made unauthorized construction towards southern side, which was brought to the notice of the authorities by J.Lingamma, who is alleged to have filed a specific performance suit against the petitioner, the second respondent considering the same, shall take necessary steps by strictly following the procedure prescribed. It is needless

to mention that the petitioner shall be put to notice with respect to the specific violations which are alleged to have been made by him and give an opportunity in terms of the Municipalities Act under Section 228. Till such time, procedure prescribed shall be followed and no coercive steps shall be taken against the petitioner.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending in the Writ Petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

20.02.2019.

vhb

