

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20202 OF 2019

ORDER:

This writ petition is filed by the petitioner seeking to declare action of the respondent - Commissioner, Pedda Amberpet Municipality, Pedda Amberpet, Ranga Reddy District, in issuing Notice No.G1/71/UC/PAM/2019-20 dated 08.08.2019 without considering the explanation submitted by the petitioner dated 19.08.2019, as illegal arbitrary, violative, against the principles of natural justice and also in violation of Article 300-A of the Constitution of India, and consequently to direct the respondent not to take any cohesive steps pursuant to the notice without considering the explanation submitted by the petitioner to the provisional notice dated 30.07.2019.

2. By the impugned order, the petitioner was directed to remove the unauthorised construction on the subject site within a period of seven (7) days from the date of receipt of the same, failing which further action will be taken for removal of unauthorised construction besides launching prosecution.

3. Heard Sri Sanjeev Gillella, learned counsel for the petitioner, and learned Standing Counsel for the Municipality, and perused the entire material on record.

4. A perusal of the order impugned discloses that the petitioner had failed to submit reply to the provisional notice dated 30.07.2019. However, the petitioner asserts that the provisional notice was served on him on 13.08.2019 and immediately on 19.08.2019, he submitted his explanation, but without considering the same, the respondent issued the final notice on 21.08.2019 by putting back-date as 08.08.2019, as such, the same may be set aside.

5. Learned standing counsel for the Municipality submits that the order impugned was issued on 08.08.2019, whereas, the petitioner has, admittedly, submitted his explanation dated 19.08.2019 to the initial provisional notice dated 30.07.2019 on 20.08.2019.

6. The learned counsel for the petitioner submits that construction could not be completed on account of financial difficulties faced by the owner of the land and the petitioner has taken up the construction work as a builder and completed the same. He further submits that the petitioner is ready to pay the penalty, if any, and to comply with the statutory requirements.

7. The fact of the matter remains that the petitioner had already completed the construction. It is not in dispute that the petitioner had obtained permission for construction on the subject site from the erstwhile Pedda Amberpet Gram Panchayat vide File No.G.P./PAP/301/2013 dated 22.03.2013. However, the petitioner ought to have completed the construction within two years therefrom.

8. In these circumstances, the order impugned is kept in abeyance for a period of eight (8) weeks from today and in the meantime, the respondent shall consider the explanation of the petitioner dated 19.08.2019, submitted on 20.08.2019, and on consideration of the same, if the respondent is of the view that the construction made by the petitioner does not conform to the sanctioned plan or in violation of the norms, it is at liberty to take steps in accordance with law.

9. With the above directions, the Writ Petition is disposed of.
No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any pending, in the writ petition stand closed.

CHALLA KODANDA RAM, J

September 18, 2019.

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