

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.28396 of 2019

ORDER:

The present writ petition is filed to declare the action of the 3rd respondent in trying to demolish the house as well as structures of house bearing No.12-92 situated at Julapally Village and Mandal, Peddapally District, as being illegal, arbitrary and misuse of powers.

Heard Sri A.P. Reddy, learned counsel for the petitioners and Sri G. Narender Reddy, learned Standing Counsel for Gram Panchayat appearing for the respondents.

The learned counsel for the petitioners, while reiterating the writ averments, submits that the authorities demolished the steps of the property and are likely to proceed with the demolition of the house and seeks of indulgence of this Court in restraining the authorities from taking any further action without issuing any notice or order.

The learned Standing Counsel for Gram Panchayat, on the other hand, submits that the petitioners initially obtained permission for construction of house on 12.01.2017 and thereafter, deviated from the said permission granted and constructed shopping complex-cum-residential house and thus violated the terms and conditions of the permission granted. Thus, the authorities issued a show cause notice dated 22.04.2018 calling upon the petitioner to stop further

construction. Despite such notice is issued and served on the petitioner, instead of taking remedial measures or making necessary corrections, to be in compliance with the permission granted, the petitioner has proceeded with the construction in deviation of the sanctioned plan. The learned Standing Counsel further submits that the petitioner constructed steps to the shops at the ground floor by encroaching on to the public road, which is government land.

The learned Standing Counsel also submits that the petitioner did not offer any explanation to the notice issued. On the other hand, the petitioner addressed a letter dated 01.10.2019 which is not in the nature of explanation, but in the nature of notice to the authorities asking as to how the authorities granted permission for others and also how the structures are existing in the said village.

The learned Standing Counsel further submits that the authorities have only demolished the steps that have been constructed by the petitioner by encroaching on to the road and have not taken any steps with regard to the demolition of the house that has been constructed by the petitioner in deviation of the sanctioned plan as being alleged in the writ petition. He would further submit that if any action in this regard is initiated, the authorities will act in accordance with law.

Having regard to the said submissions made on both sides, this Court is of the view that no fault can be found with the action of the authorities in removing the steps constructed by the petitioners to the shops at ground floor by encroaching on to the public road of the subject property. However, having regard to the submission of the learned Standing Counsel for the Gram Panchayat that the authorities are not taking any action with regard to the demolition of the house for the present without issuing any proceedings, no orders are required to be passed in this writ petition.

Subject to the above observation, the writ petition is closed. However, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this writ petition shall stand closed.

T. VINOD KUMAR, J

Date: 20.12.2019
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