

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.1326 of 2020

ORDER:

Heard the learned counsel for the petitioner as well as the learned standing counsel appearing for the third respondent corporation.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the action of the respondents more particularly respondents 2 and 5 herein in trying to demolish the House bearing No.3-5-141/3/Open/4 situated at Upparpally village, without issuing any notice or giving any opportunity to the petitioner even though the regularization application is pending with the 3rd respondent as well the explanation submitted on 1.4.2019 to the notice caused in terms of the orders of this Hon'ble Court as made in WP No.5076 of 2019, dated 20.03.2019 as being illegal, arbitrary, apart from being in violation of Articles 14 and 21 of the Constitution of India and principles of natural justice and fair play and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the aforesaid property by demolition or otherwise and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.'

3. Learned standing counsel appearing for the third respondent corporation informs the Court that in compliance with the orders passed by this Court in W.P.No.5076 of 2019 dated 20.03.2019, the petitioner has submitted an explanation to the show cause notice on 01.04.2019. It is also brought to the notice of this Court that the application submitted by the petitioner for regularization under the Building Regularization Scheme

shall also to be considered and appropriate orders will be passed in accordance with law.

4. Therefore, the writ petition is disposed of directing the third respondent corporation to consider the representation submitted by the petitioner on 01.04.2019 within a period of six weeks from the date of receipt of a copy of this order. However, it is made clear that till the final orders are passed, the third respondent corporation is directed not to take any coercive steps in respect of the subject property. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date:23.01.2020

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JUSTICE P.KESHAHA RAO

