

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.28553 OF 2021

ORDER:

This petition under Article 226 of the Constitution of India is filed seeking the following relief:-

“... to issue a Writ of Mandamus, declaring the action of the 2nd respondent in not taking further steps for demolition pursuant to the order dated 14.08.2021 wherein directing the 4th respondent to remove/demolish the deviation part in respect of the building at D.No.27-17-55, Peddabhotlavari street, Governorpoet, Vijayawada Town, Krishna District within 15 days from the date of the order, as illegal and arbitrary”.

2. Heard learned counsel for the petitioner and learned Standing Counsel for the respondents 2 and 3.

3. The case of the petitioner is that the order dated 14.08.2021 was passed by the 2nd respondent directing the 4th respondent to remove / demolish the deviation part of the building bearing D.No.27-17-55, Peddabhotlavari Street, Governor pet, Vijayawada Town, Krishna District within 15 days from the date of the said order, otherwise the same will be removed at the cost of the 4th respondent. After expiry of 15 days, the 2nd respondent has not taken any steps, the petitioner sent a legal notice on 21.09.2021 with a request to take further action. But no action was taken till date. Hence, the writ petition.

4. Though the petitioner raised several contentions, the learned Standing Counsel for the respondents 2 and 3 submitted that a notice under Section 636 of the Municipal Corporation Act was

already issued and they are in the process of taking appropriate action after following necessary procedure.

5. In view of the submission of the learned Standing Counsel, no further adjudication is necessary, it would be suffice to direct the respondents 2 and 3 to take appropriate action within the time prescribed under the provisions of the Municipal Corporation Act.

6. With the above direction, this Writ Petition is disposed of, at the stage of admission with the consent of learned counsel for the parties. There shall be no order as to costs.

Consequently miscellaneous applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 09.12.2021
KA

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.28553 OF 2021

Date: 09.12.2021

KA