

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION No.20700 of 2023

B. Narayana Rao, S/o.Appalaswamy Reddy, aged 66 years, R/o.D.No.53-20-26, near Vinayaka Temple, Maddilapalem, Chaitanya Nagar, Visakhapatnam, Visakhapatnam District.

.... Petitioner

Versus

The State of Andhra Pradesh, Rep. By its Principal Secretary, Municipal Administration, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District and 2 others.

....Respondents

ORDER:

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

2. The grievance of the writ petitioner is that, the respondent Nos.2 and 3 have not considered the representation of the petitioner dated 07.08.2023 submitted pursuant to the impugned notice of the 3rd respondent dated 06.03.2023.

3. The learned counsel for the petitioner submits that, the 2nd respondent issued the Building Permit Order dated

29.03.2022 in favour of the petitioner for the purpose of construction of stilt+G+3 upper floors with certain conditions as mentioned in the Building Permit Order. Accordingly, the construction was taken up by the petitioner. While so, the 3rd respondent issued the impugned notice dated 06.03.2023 stating that, there is a deviation in the set-backs to an extent of 4.75 meters out of built up area of 690.30 Sq. Yards. Upon receipt of the impugned notice, the petitioner submitted his letter dated 07.08.2023 seeking some time to rectify and remove the deviations if any as pointed out in the impugned notice dated 06.03.2023. But without considering the same, the 2nd respondent officials came to the site on 07.08.2023 and threatened to demolish the deviated portions as mentioned in the above said impugned notice dated 06.03.2023.

4. On the other hand, the learned Standing Counsel appearing for the respondent Nos.2 and 3 submits that, the respondent authorities would consider the representation of the petitioner dated 07.08.2023 by following the due procedure.

5. In view of the above said facts and circumstances, as the petitioner undertakes to remove the above said deviations by making the representation dated 07.08.2023, the same can be considered by the respondent Nos.2 and 3 by giving some reasonable time. Instead of doing that, the said action of the respondent No.2 threatening to demolish the same immediately may be unjustifiable at this stage. Hence, even to follow the principles of natural justice some time needs to be given to the petitioner to rectify/remove the above said deviations. Hence the petitioner is permitted to rectify/remove the deviations as pointed out in the impugned notice dated 06.03.2023 as expeditiously as possible within a period of four (04) weeks from the date of receipt of this order. If the same is not done, the official of the 2nd respondent can visit the subject site and take necessary steps strictly in accordance with law by initiating the action afresh without reference to the impugned notice dated 06.03.2023. During the above said period of four (04) weeks there shall not be any coercive action.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any,
shall stand closed.

14.08.2023
PGT

JUSTICE B KRISHNA MOHAN