

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE NO.: W.P.No.2458 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	02.02.2023	<u>CMR, J</u> Learned Assistant Government Pleader for Municipal Administration takes notice for respondent No.1. Sri Suresh Kumar Reddy Kalava, learned Standing Counsel for Municipal Corporation takes notice for respondent Nos.2 to 4 and requests time to obtain instructions. List the matter after four (4) weeks. <u>CMR, J</u> <u>I.A.No.1 of 2023</u> The impugned notice, dated 09.01.2023, was given under Section 636 of the Andhra Pradesh Municipal Corporations Act, 1994 and under Sections 84(6), 88, 89(3) and 91 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016, to remove the structure constructed in violation of provisions of law. It is stated in the said notice that earlier notice under Sections 452 and 461 of the Greater Hyderabad Municipal Corporation, 1955, (for short "GHMC Act") was issued to the petitioner and that he did not submit his explanation to it. The validity of the impugned notice is now questioned on the ground that it is stated in the earlier notice issued under Sections 452 and 461 of the GHMC Act that the petitioner has constructed the building without obtaining prior approval of	

plan, but in fact explanation was given to the said notice issued under Section 452 and 461 of the GHMC Act stating that plan was approved and thereafter only the building was constructed. The petitioner has also produced copy of the approval of the plan. Now, it is the grievance of the writ petitioner that in spite of submitting the explanation stating that the plan was approved and construction was made as per the approved plan, it is stated that no explanation was given in the impugned notice. The petitioner has also produced the copy of the explanation submitted by him along with the postal receipt showing that the explanation is submitted to the respondents.

Therefore, as it is *prima facie* established by the petitioner that there was an approval plan and the building was constructed as per the said approval plan and that an explanation was also submitted to that effect to the earlier notice given to the petitioner and that the order was passed even without considering the said explanation, there shall be an interim direction to the respondents not to proceed further pursuant to the impugned notice, dated 09.01.2023, of demolishing the building in question, till the next date of hearing.

CMR, J

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