

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**Writ Petition No.3818 of 2023****ORDER:**

This Writ Petition for mandamus is filed to declare the action of 2nd respondent in making an effort to demolish the pial of the house of the petitioner bearing H.No.3-2-221, Chowdamma Street, Badvel, YSR Kadapa District, without passing the final order on the notice, dated 22.10.2022, after considering the explanation submitted by the petitioner to the said notice, as illegal and arbitrary and consequently, sought direction to the respondents not to demolish the pial of the house of the petitioner.

2) Heard learned counsel for the petitioner; and learned Assistant Government Pleader for Municipal Administration and Urban Development for 1st respondent; and Sri N.Ranga Reddy, learned Standing Counsel for 2nd respondent Municipality.

3) The petitioner claims to be the owner of the house bearing H.No.3-2-221, Chowdamma Street, Badvel, YSR Kadapa District. It is contended that it is his ancestral property constructed about 100 years ago. A notice, dated

22.10.2022 was issued to the petitioner by the 2nd respondent stating that he has encroached on to the government land and constructed the said pial in an extent of 20 sq. meters of the government land illegally and directed him to show-cause as to why the same should not be demolished, within seven days. It is stated that the petitioner has submitted his explanation to the said notice.

4) The grievance of the writ petitioner is that without considering the said explanation and without passing any final order, as contemplated under Section 192(2) of the A.P. Municipalities Act, 1965, that the 2nd respondent is making illegal efforts to demolish the said pial of the house of the petitioner.

5) Sri N.Ranga Reddy, learned Standing Counsel appearing for the 2nd respondent, on instructions, would submit that the petitioner has submitted his explanation to the show-cause notice that was issued by the 2nd respondent and that the 2nd respondent would consider the same and pass final order according to law on it.

6) Therefore, recording the aforesaid submission made by the learned Standing Counsel for the 2nd respondent, on instructions, the Writ Petition is disposed of with a direction to the 2nd respondent to consider the explanation submitted by the petitioner and then pass final order on it according to law. Till the said final order is passed after considering the explanation of the petitioner, the 2nd respondent shall not make any effort to demolish the pial of the house of the petitioner. No costs.

Consequently, miscellaneous applications, pending if any, shall also stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date:15.02.2023.

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