

**HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI**

**MAIN CASE No: W.P.No. 1157 of 2021**

**PROCEEDING SHEET**

<b>Sl. No.</b>	<b>DATE</b>	<b>ORDER</b>	<b>OFFICE NOTE</b>
1.	08.01.2021	<p><b><u>MGR,J</u></b></p> <p style="text-align: center;"><b><u>W.P.No. 1157 of 2021</u></b></p> <p>Notice before admission.</p> <p>Sri Kasa Jaganmohan Reddy, learned Special Government Pleader takes notice for respondents 1 and 2.</p> <p>Sri Lakshmi Narayana Reddy, learned standing counsel takes notice for Respondents 3 to 5, waives further notice and seeks time to get instructions.</p> <p>Post on 28.01.2021.</p> <p style="text-align: right;">_____ MGR,J</p> <p style="text-align: center;"><b><u>I.A.No. 1 of 2021</u></b></p> <p>The learned counsel for petitioner submits that the land admeasuring 2000 Sq.yds situated in T.S.No.1196/7 of Dibbapalem Village, Waltair Ward, Visakhapatnam, Visakhapatnam Municipal Corporation limits was leased to the petitioner vide G.O.Ms.No. 556, Revenue (Asn.I) Department, dated 13.09.2002 for a period of 25 years on lease rentals of Rs. 25,000/- per annum. The possession was handed over to the petitioner by the Tahsildar, permitted by the District Collector, Visakhapatnam. Thereafter the petitioner obtained building permission and constructed a building thereon and the said building was assessed to property tax and petitioner paying property tax regularly. The building premises are in occupation and enjoyment of the petitioner and all civil amenities including the electricity connection has been provided to the petitioner's building.</p>	

While things stood thus, the impugned notice dated 28.06.2019 under the provisions of section 452 of the Hyderabad Municipal Corporation Act-1955 r/w Section 7 of the Visakhapatnam Municipal Corporation Act - 1979 by the 5<sup>th</sup> respondent/ Town Planning Supervisor, Zone-3, GVMC was issued alleging that the petitioner has unauthorizedly constructed Stilt, G+1+2 upper floors for party office building and asked to submit proper link documents to establish title over the property and asked to produce the link document from Smt. Rani Kamala Devi to establish title over the property within a period of 7 days, why action should not be taken as it is found contrary to the rules or unauthorized be removed by the Commissioner, if no explanation submitted within said time.

The learned counsel for petitioner further submits that the petitioner has submitted explanation on 01.07.2019 to the Show-Cause Notice, denying all the allegations, so far no final order is passed on considering the explanation submitted by the petitioner as required under provisions of Section 636 of the GHMC Act. The 5<sup>th</sup> respondent is not competent to issue impugned notice and the Commissioner of Municipal Corporation is only competent to issue notice under Section 452 of the GHMC Act.

The petitioner's counsel while reiterating the averments of the Writ Affidavit, further states that on 07.01.2021 at about 9.30 p.m some persons claiming to be the officials of the 2<sup>nd</sup> respondent/ corporation came to the property and were taking measurements of the roads as well as the compound wall of the petitioner building and on suspicion, the petitioner got enquired and came to know that

the 2<sup>nd</sup> respondent authorities are making hectic efforts to demolish the building and also roads giving access to the building tonight is illegal and arbitrary.

*Per Contra*, the learned counsel for respondents state that the Writ Petition is prematured and apprehension is unfounded. Further, they submit that any demolition of the petitioner's building could be taken up only after passing final order under the provisions of Section 636 of the GHMC Act.

Having carefully considered the facts and circumstances of the case, submissions of the learned counsel and perused the record, this court *prima facie* satisfied that the petitioner has shown sufficient cause for grant of interim order.

Accordingly, there shall be an interim direction as prayed for.

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MGR,J

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