

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

**MAIN CASE No: Writ Petition (SR) No.29942 of 2020**

**PROCEEDING SHEET**

<b>SL. NO.</b>	<b>DATE</b>	<b>ORDER</b>	<b>OFFICE NOTE</b>
01)	20.12.2020	<p><b><u>DVSS, J</u></b></p> <p style="text-align: center;"><b><u>I.A.No.1 of 2020</u></b> <b><u>in</u></b> <b><u>WRIT PETITION (SR) No.29942 of 2020</u></b></p> <p>Notice before admission.</p> <p>This matter was taken up as House Motion at 4.30 p.m.</p> <p>This Court has heard Sri L.J.Veera Reddy, learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Sri Suresh Kumar Reddy Kalava, learned standing counsel for the 2<sup>nd</sup> respondent.</p> <p>The petitioners before this Court have raised number of legal and factual issues. They state that the notice was issued in the name of the wrong society; that there is an approved building plan for the building and the shops, which was granted in the year 1978; that a composite notice was issued under three different sections of the Act etc. However, Sri Veera Reddy, fairly concedes that the plan, which is now appended to the Writ Petition was not submitted to the Municipal authorities. He submits that in view of the fact that there is an approved building plan, carrying out the demolition by addressing a notice directly to the police etc., particularly on Saturday and Sunday, is not warranted. Therefore, he prays for an interim order.</p> <p>Learned Government Pleader for Municipal Administration and Sri Suresh Kumar Kalava, learned Standing Counsel</p>	

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		<p>appears for the 2<sup>nd</sup> respondent.</p> <p>Sri Suresh Kumar Reddy Kalava submits that the action was not taken overnight, that earliest notice was addressed in September, 2020 and as the material that is required was not produced the respondents had to give the final notice, since there is an obstruction to the free flow of traffic etc. He points out that in the full period of three months the petitioners could not prove that there is an approved plan. Therefore, he submits that the respondents had no option but to issue the impugned notice. He therefore states that this is not the case in which the Court should grant any interim order.</p> <p>After hearing both the learned counsel, this Court notices that there is a plan which has been filed. The petitioners have come before this court with a specific statement that there is an approved plan, which is issued in 1979. It was fairly conceded by the learned counsel for the petitioners that this plan was not submitted as it could not traced earlier. Now, the learned counsel for the petitioners submits that they are willing to submit the plan to enable the respondents to examine whether the building plan has been sanctioned or not.</p> <p>This Court after hearing both the learned counsel notices that the petitioners have come before this Court with a specific case that they have an approved building plan. If the plan is actually approved and in existence, carrying out the demolition of the entire building would cause irreparable loss, particularly as there are businesses in the said premises. Therefore, the petitioners are given</p>	

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		<p>an opportunity to submit the plan and all the necessary documents by 22.12.2020 to the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent is given a further period of two days time to examine the building plan and take a decision on the same. The petitioners are also directed to cooperate and not delay in filing all the documents. Similarly, the 2<sup>nd</sup> respondent is directed to immediately examine the issue and decide about further action to be taken. The 2<sup>nd</sup> respondent can examine the plan and communicate his decision to the petitioners immediately.</p> <p>Till such a decision is taken after the plan etc., are submitted, there shall be an order restraining the respondent authorities from carrying out the demolition.</p> <p>List on 25.12.2020.</p> <p style="text-align: right;">_____ 20.12.2020 Ssv</p>	

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