

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.15673 of 2016**

**ORDER:**

This writ petition was filed challenging the action of the 2<sup>nd</sup> respondent in passing the impugned order on 22.04.2016 directing the petitioners herein to remove/demolish their huts/sheds made in the land in Sy.No.770/C2, Ward No.51, abutting to old Edga and adjacent to the RTC bus stand road, Kurnool within ten days. The said order was passed pursuant to an order passed by this Court in W.P.No.7832 of 2016 dated 11.03.2016. In the elaborate order, the 2<sup>nd</sup> respondent rightly observed that he is not deciding the title between the contesting claimants, but he is concerned with the constructions made in the subject land in order to see whether those constructions were with the permission of the municipal corporation or not. In the said order, it was stated that pursuant to filing of the W.P.No.1924 of 2016, the Town Planning Section inspected the site and noticed only three huts existing in the site. When they again inspected the site on 11.04.2016, five huts were existed in the site. As per the report of the Town Planning authorities, two huts were old and the remaining three huts were constructed recently. The occupants of the said huts never applied for permission to erect the same. No door numbers were allotted to the said sheds by the municipal corporation. Thus, he treated the sheds as illegal and unauthorized constructions. Accordingly, he issued the notice under Section 452 of the GHMC Act, 1955 as applicable to the 2<sup>nd</sup> respondent Corporation.

2. In the circumstances, this writ petition is disposed of giving liberty to the petitioners to file their objections to the said notice and it is open to the 2<sup>nd</sup> respondent to pass appropriate orders considering the objections of the petitioners. The petitioners are given seven days time from the date of receipt of a copy of this order to file their objections. If the petitioners do not file their objections to the impugned

order dated 22.04.2016, which was issued under Section 452 of the GHMC Act, 1955, it is open to the 2<sup>nd</sup> respondent to pass final orders and take necessary action in accordance with law. Till final orders are passed, the 2<sup>nd</sup> respondent shall not take any coercive steps against the petitioners.

3. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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29-04-2016  
Gsn

**A.RAMALINGESWARA RAO, J**