

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**

**Writ Petition No.39740 of 2015**

**Dated 08.12.2015**

**Between:**

Aallahari Siva Durga Prasad

**... Petitioner**

**and**

-  
The State of Andhra Pradesh  
rep. by its Prl.Secretary  
Municipal Administration Dept.,  
Hyderabad and 2 others.

**...Respondents**

**Counsel for the petitioner:**

**Mr.GVS.Mehar Kumar**

**Counsel for respondent No.1:  
(AP)**

**GP for Municipal Administration**

**The Court made the following:**

**Order:**

The Notice in R.O.C.No.600/2013/G1, dated 03.12.2015, issued by respondent No.2 to the petitioner, is assailed in this Writ Petition.

While the petitioner admits that his father came into occupation of the subject property belonging to the Government in the year 1961, the only ground, on which the impugned notice is

assailed in this Writ Petition, is that before ordering removal of encroachment, respondent No.2 has not issued any notice giving him an opportunity to submit his objections.

A perusal of the impugned proceeding shows that no prior notice was issued to the petitioner. This Court in its judgment, dated 16-11-2015, in WP.No.37161 of 2015 and batch, held that even though the provisions of Section 192 of the Andhra Pradesh Municipalities Act, 1965, do not expressly envisage a prior notice, the principles of natural justice require that such requirement shall be read into the said statutory provision. As respondent No.2 has not followed this procedure, the impugned notice is set aside only on this short ground, however, with liberty to respondent No.2 to issue show cause notice and take a fresh decision after considering the objections/explanation, if any, filed by the petitioner.

The Writ Petition is, accordingly, allowed.

As a sequel, WPMP.No.51293 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

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**(C.V.Nagarjuna Reddy, J)**

**Dt: 8<sup>th</sup> December, 2015**  
**LUR**