

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.1532 OF 2015**

**ORDER**

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This writ petition is filed for a writ of mandamus declaring the action of the 2<sup>nd</sup> respondent in issuing Notice No.UC/14/TPS/W.No.21/Cir-1/WMC/2015 dated 17.01.2015 under Section 452(1) and 461(1) of H.M.C.Act, 1955, as illegal, arbitrary and contrary to the provisions of Sec.437, 452(A) of H.M.C.Act, and for a consequential direction to set aside the same.

The case of the petitioner is that 2<sup>nd</sup> respondent issued show cause notice dated 17.01.2015 under Section 452(1) and 461(1) of H.M.C.Act, 1955 and in pursuant to the same, petitioner submitted his explanation on 27.01.2015. But the 2<sup>nd</sup> respondent without considering the same, trying to demolish the construction of the petitioner. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Sri C.V.Bhaskar Reddy, learned Standing Counsel for the 2<sup>nd</sup> respondent on instructions submits that a civil litigation is pending against the said property and therefore they are not taking any action.

Since the petitioner filed explanation on 27.01.2015 to the show cause notice dated 17.01.2015, it is for the 2<sup>nd</sup> respondent to consider the same and take action accordingly. But without considering the same, the 2<sup>nd</sup> respondent cannot take any action against the petitioner.

In view of the same, the writ petition is disposed of directing the 2<sup>nd</sup> respondent to consider the explanation of the petitioner and pass appropriate orders and thereafter take action in accordance with law. Till then, *status quo*, obtaining as on today, shall be maintained by both the parties. There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

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**A.RAJASHEKER REDDY,J**

Date: 02.02.2015

Note:

Issue CC by '4' days

(B/o) dv