

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.34973 OF 2015

DATED:06-11-2015

Between:

Sri Sai Srinivasa Residency Welfare Association

Rep. by its Chairman Sri T. Ramesh Babu

R/o.Flat No.507, Gogineni Towers

Railway Road, Guntupally,

Ibrahimpattanam Mandal

Krishna District ... Petitioner

And

The State of Andhra Pradesh

Rep. by its Principal Secretary

Panchayat Raj & Rural Development Department

Secretariat

Hyderabad

and others ... Respondents

COUNSEL FOR THE PETITIONER: Kaveti Srikanth

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Panchayat Raj (AP)

COUNSEL FOR RESPONDENT NO.2: -

COUNSEL FOR RESPONDENT NO.3: Mr. Ravi Cheemalapati

(Name of counsel for respondent
No.3 may be shown subject to
filing his vakalat within one week
from the date of the order)

THE COURT MADE THE FOLLOWING:

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ORDER:

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Feeling aggrieved by notice in Roc. No.57/13, dt.18.6.2013, of respondent No.3, the petitioner has filed this writ petition.

From a perusal of the impugned notice, it is evident that the same was issued nearly two-and-a-half years prior to filing of this writ petition. The only grievance of the petitioner is that before directing it to remove the watchman shed allegedly

constructed without permission, no show cause notice was issued.

Mr. Ravi Cheemalapati, learned Standing Counsel appearing for respondent No.3, on instructions submitted that immediately after the impugned notice was issued, a part of the watchman shed was removed and that in pursuance of an interim order granted by the State Consumer Disputes Redressal Commission, the demolition was stopped.

From the contents of the impugned notice, it is evident that no show cause notice was issued to the petitioner and straightaway it was asked to remove the alleged illegal structure. In my opinion, the petitioner is entitled to an opportunity to show cause why the alleged illegal construction cannot be removed.

In this view of the matter, the petitioner is permitted to treat the impugned notice as show cause notice and submit its explanation to respondent No.3 within three weeks from today. On considering the explanation of the petitioner along with the material filed by it, respondent No.3 shall pass an appropriate order.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. Nos.44939, 45449 and 45450 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

06-11-2015

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