

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No. 14712 OF 2015

ORDER:

Heard learned counsel for the petitioner and Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the 1st respondent.

The petitioner has questioned proceedings dated 22.04.2015 and consequential proceedings dated 30.04.2015, allegedly received by him on 13.05.2015, under Section 228(3) of the Andhra Pradesh Municipalities Act, 1965 (for short, 'the Act') issued by the 1st respondent.

Initially, the provisional notice dated 22.04.2015 under Sections 228(1) and (2) of the 1965 Act was passed directing the petitioner to stop further construction in the subject premises. The petitioner was asked to submit an explanation thereto, but he did not immediately respond. On 30.04.2015, the notice under Section 228(3) of the Act was issued on the ground that the petitioner has not submitted any explanation and he was directed to remove the illegal constructions within three days. The petitioner thereafter submitted an Application dated 15.05.2015 giving an explanation to the provisional notice under Section 228(1) and (2) of the Act. Since the petitioner has now submitted an explanation, the interests of justice would be served if the 1st respondent considers the same and passes appropriate orders in accordance with law.

Therefore, the order dated 30.04.2015 is set aside and the 1st respondent is directed to consider the explanation dated 15.05.2015 submitted by the petitioner to the provisional notice dated 22.04.2015 within a period of four weeks from today. The petitioner shall not make any further construction in the subject premises till the 1st respondent passes an order on his explanation dated 15.05.2015. The respondents shall also not demolish the structures erected by the petitioner till a fresh order is passed under Section 228(3) of the Act by the 1st respondent.

The Writ Petition is accordingly disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

M.S. RAMACHANDRA RAO, J

21st May 2015

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