

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO. 22563 OF 2015

Between :

S Bharath Sai S/o S Shiva Shankar
R/o H No. 1-1289/1, H S B Colony
Yemmiganur, Kurnool

.... Petitioner

And

State of A P
Rep by its Principal Secretary,
Municipal Admn & Urban Devp authority,
Secretariat, Hyderabad and others

.... Respondents

DATE OF JUDGMENT PRONOUNCED :6.8.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : / No
To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : / No
Copy of the Judgment ? :

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 22563 of 2015

ORAL ORDER:

Heard the learned counsel for petitioner, learned Government Pleader for Municipal Administration and Urban Development and Mr. MD Saleem, learned standing counsel for respondents 2 and 3.

2. It is contended by learned counsel for petitioner that order of eviction is not preceded by notice and opportunity. The order alleges that the petitioner is not utilizing the premises granted to him on lease; that he has secured employment elsewhere. Petitioner denied securing employment and additional affidavit is filed to that effect. He also stated that he is not a party to the proceedings alleged to be pending before the Lokayuktha.

3. Prima facie as seen from the orders impugned in the writ petition, no notice was issued to the petitioner before directing him to be evicted. At this stage learned standing counsel for respondents 2 and 3 on instructions, submitted that impugned proceedings dated 6.7.2015 may be treated as notice under Section 194 of the Andhra Pradesh Municipalities Act, and petitioner would be given due opportunity.

4. Having regard to the said statement, writ petition is disposed of, directing the respondent municipality to treat the impugned proceedings dated 6.7.2015 as notice, to supply all relevant material documents in support of the allegations leveled against the petitioner in the notice, within one week.

On receipt of the relevant documents from the respondent municipality, petitioner shall submit his explanation within a further period of two weeks together with supporting documents. On receipt of explanation from the petitioner, the Commissioner, shall pass appropriate orders as warranted under law within a period of four weeks. Till final orders are passed, respondents shall not take any coercive steps. No costs. Having regard to

the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 6.8.2015
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HONOURABLE SRI JUSTICE P. NAVEEN RAO

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WRIT PETITION No. 22563 of 2015

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