

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.28646 of 2015

DATED : 04.09.2015

Between :

G. Andamma W/o.Late G.Seetharam Reddy,
Aged about 96 yrs, R/o.H.No.3-58,
Kuntloor Village, Hayathnagar, R.R. District & another.

.. Petitioners

and

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development Department,
Secretariat Buildings, Hyderabad & another.

.. Respondents

This court made the following :

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ORDER :

The 1st petitioner claims to be owner and in peaceful possession of agricultural land in Sy.No.278/5 admeasuring Ac.2.31 guntas in Kuntloor Village, Hayathnagar Mandal, Ranga Reddy District. According to the petitioners, the 1st petitioner has constructed a cattle shed in accordance with the approval granted by the Gram Panchayat and since then, it is used for cattle shed. Since there are certain repairs required, the petitioners were undertaking repair works and in the meantime, temporarily relocated the cattle. Alleging that the 1st petitioner has made illegal constructions, notice was issued on 26.08.2015 calling upon the 1st petitioner to explain why the alleged unauthorized construction should not be removed or pulled down. Challenging the same, this writ petition is filed.

2. Sri S. Niranjan Reddy, learned counsel for the petitioners submit that the cattle shed was constructed after obtaining due permission and that the petitioners are not undertaking construction of new cattle shed and there were no illegal constructions made by them. The 1st petitioner was only undertaking some repairs required for proper maintenance of cattle shed and therefore, there is no justification in issuance of show cause notice. He

also submits that without waiting for submission of explanation, the 2nd respondent is taking action to remove the cattle shed, and in such an event great prejudice would be caused to the petitioners.

3. Having regard to the above, I do not see any illegality in issuing the show cause notice, in exercise of power vested in the Commissioner under Section 228 of the Andhra Pradesh Municipalities Act, 1965. Moreover, it is only a show cause notice, and it is open for the 1st petitioner to submit her explanation and also seek for personal hearing. Thus, at this stage I am not inclined to entertain the writ petition. Liberty is granted to the 1st petitioner to submit her explanation within one week from today. On such submission of explanation, the 2nd respondent is directed to consider the same, afford personal hearing to the 1st petitioner by indicating the date of personal hearing in advance, consider the submissions and pass appropriate orders as warranted by law, and communicate the same to the petitioners. Having regard to the apprehension expressed by the learned counsel for the petitioners, till a final decision is taken and communicated to the petitioners, pursuant to the show cause notice dated 28.06.2015, no coercive steps shall be taken against the petitioners.

4. With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

4th September, 2015.

Rds