

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

WRIT PETITION No.23750 of 2015

Between:

Smt. Challa Sivamma,
W/o. Nagaraju, Aged about 35 years,
Occ: House hold, R/o. Door NMo.13-2-74,
12th Ward, 13th Block,
Sri Sailam Road, Macharla,
Guntur District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration Department,
A.P. Secretariat, Hyderabad & 4 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 30.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.23750 of 2015

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ORDER:

Alleging that the petitioner has constructed tin shed occupying the road margin on the Srisailam Road in Macharla Town, notice was issued to the petitioner on 12.05.2015. The notice refers to various correspondence and the alleged complaint of such unauthorized occupation and illegal construction of tin shed. A reply notice was given by the petitioner on 22.05.2015 and the petitioner requested for supply of the documents referred to in the notice for submitting an effective reply by him. Alleging non-supply of those documents, this writ petition is filed.

2. The consequences of the notice, dated 12.05.2015, is displacement from the subject property and also removal of alleged illegal construction made. For submission of an effective reply on such course of action, the documents relied upon by the authority have to be furnished to the party. Without furnishing the documents relied upon, the party cannot be expected to file a detailed reply and substantiate the stand without knowing the contents of alleged complaints or the proceedings issued by various authorities. Thus, there is clear denial of reasonable opportunity before seeking to take penal action. It is illegal not to furnish the documents even when a

request was made. In fact, those documents ought to have been furnished along with the show cause notice. Whenever action proposed by the competent authority results in civil and evil consequences, due procedure should be followed and full opportunity of hearing must be afforded.

3. Having regard to the same, the Writ Petition is disposed of directing the respondent Municipality to furnish all the documents, which are referred to in the show cause notice, dated 12.05.2015, as expeditiously as possible, at any rate within a period of two (2) weeks from the date of receipt of copy of the order and on furnishing of such documents, further opportunity be given to the petitioner to submit further explanation. The petitioner shall submit further explanation within a period of two (2) weeks after receiving all the documents. On receipt of such explanation, appropriate orders, as warranted by law, be passed in due consideration of such explanation. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 30th July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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