

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos.34424 and 33698 of 2015

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COMMON ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Housing appearing for the respondents.

The petitioners are President and Secretary of the Samatha Velugu MACGS Ltd. It appears that there were some allegations against them lodged by the beneficiaries under the Indiramma Scheme. A recovery notice was issued on the basis of the report submitted by the second respondent on 15.07.2015 asking the petitioners to pay the amount indicated in the notice dated 17.07.2015. The petitioners submitted a detailed explanation denying the allegation of misappropriation of the amount and in view of the pressure on the petitioners to pay the amount, these writ petitions are filed.

A reading of the recovery notice indicates that no notice was issued to the petitioners before asking the petitioners to pay the amount by letter dated 17.07.2015. The petitioners submitted their explanation denying the allegation of misappropriation of the amount.

In the circumstances, the first respondent should have considered the explanation and passed a final order. This Court is satisfied that the impugned recovery notice issued without issuing any show cause notice is bad in law.

In view of the same, these writ petitions are allowed by setting aside the recovery notice dated 17.07.2015 and remanding the matter to the first respondent to consider the explanation submitted by the petitioners pursuant to the recovery notice dated 17.07.2015 and hear the petitioners before passing a final order for recovery of the amount.

The first respondent shall issue appropriate notice to the petitioners before taking final action. It is open to the first respondent to pass appropriate orders within a time frame which he thinks fit.

There shall be no order as to costs. Miscellaneous Petitions, if any

pending in these writ petitions shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 14.10.2015

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