

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.45674 of 2016

ORDER:

Heard Mr. P. Vengal Reddy for petitioner and Mr. G. Seshadri for respondent No.6.

2. The seventh respondent herein is one of the writ petitioners in WP.No.37421 of 2016. On 02.11.2016, the writ petition was disposed of as follows:

“2. On 30.11.2015, a representation was made to second respondent as well as third respondent for appropriate action. Now the complaint is that respondents have neither moved in the matter by conducting enquiry nor removed the unauthorized construction in the subject matter of the writ petition.

3. Mr. G. Seshadri, standing counsel for sixth respondent, submits that the sixth respondent will verify the veracity of complaint in the representation dated 30.11.2015 and if construction is made without permission by seventh respondent, the same will be attended to and appropriate orders passed in accordance with law.

4. The statement is placed on record. The sixth respondent is directed to do the needful within eight (8) weeks from the date of receipt of copy of this order. It is needless to mention that this Court has not considered the merits and opportunity as required by law is given to sixth respondent as well.”

3. The sixth respondent issues the notice impugned in the writ petition. The notice, it is fairly admitted by learned standing counsel, refers to more than what is considered and disposed of by this Court in order dated 02.11.2016.

4. This Court fails to understand the findings in the impugned notice. The earlier writ petition was filed complaining inaction and the writ petition was disposed of by merely directing the authorities to look into the grievance and take decision. It was further observed in the order dated 02.11.2016 that opportunity is also afforded to writ petitioner herein. Curiously, findings are recorded on subject matter of enquiry, seven days time is given for removing the illegal constructions. As the basis for issuing the notice is found to be incorrect, untenable and illegal, the notice impugned in the writ petition is set aside. However, liberty is given to the sixth respondent to read the order dated 02.11.2016 carefully and if the respondent finds it difficult to understand the content, the respondent takes legal advice and proceeds in the matter accordingly.

The writ petition is ordered as indicated above. As a sequel, the miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

December 27, 2016
DSK

S. V. BHATT, J