

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41924 OF 2016

DATED : 02.12.2016

Between :

Smt.Malluri Gangubai W/o.Nallanna,
Aged 65 yrs, Housewife, R/o.H.No.1-4-44/1,
Chaitanya Nagar, 9th Ward,
Metpally, Jagityal District.

Petitioner

And

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

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 41924 OF 2016

ORDER :

This writ petition is filed challenging the endorsement dated 28.09.2016 whereunder, petitioner was directed to remove the unauthorisedly occupied, constructed slab and the compound wall encroaching the municipal drain. It is alleged that prior to this order no notice was issued and opportunity of hearing was not afforded to the petitioner. However, petitioner has submitted her explanation on 03.10.2016.

2. Heard learned counsel for the petitioner and learned standing counsel for the 2nd respondent.

3. When the matter is taken up for consideration, learned counsel for the petitioner as well as learned standing counsel would submit that similar issue was considered by this Court in W.P.Nos.34966 and 34977 of 2016 and disposed of by order dated 18.10.2016 wherein, this Court passed the following order :

“In the facts of the present case, it is clear that as on date no orders are passed by the respondent authorities. Action can be taken to demolish only when the explanations submitted by the petitioners are not satisfactory. As such, till the explanations submitted by the petitioners are considered and necessary orders are passed in accordance with law, after giving opportunity to the petitioners, the respondent authorities shall not remove either the compound wall or the drain constructed by the petitioners. However, considering the importance of the matter and considering the fact that the petitioners have already submitted explanations, the entire exercise shall be completed within a period of four (04) weeks from the date of receipt of a copy of this order.”

4. Following the same, this writ petition is also disposed of. Till the explanation submitted by the petitioner is considered and necessary orders are passed in accordance with law, after giving due opportunity to the petitioner, the respondent authorities shall not remove either the compound wall or drain constructed by the petitioner. The entire exercise shall be completed within a period of four (4) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

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

2nd December, 2016
 Note : Issue c.c. in four days
 B/o.
 Rds

P.NAVEEN RAO,J

