

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40831 OF 2016

DATED : 24.11.2016

Between :

B.Srinivasulu S/o.B.Venkata Ramaiah,
Aged 54 yrs, Occu : Business,
R/o.D.No.21/149, Tilak Road,
Anantapuramu District & another

..

Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Department of Municipal Administration & Urban Development,
A.P.Secretariat Buildings, Velagapudi,
Thulluru Mandal, Guntur District & others.

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40831 OF 2016

ORDER :

Heard learned counsel for the petitioners and learned Government pleader for the respondents.

2. Alleging that without serving notice on the petitioners and without calling for the explanations, straight away petitioners were asked to remove the alleged encroachments, by the 2nd respondent, this writ petition is filed.

3. According to learned counsel for the petitioners, there were no encroachments on the public road. Even the notices are addressed to a wrong person by name B.Vijay Kumar who is no way concerned with the first petitioner and no prior notice was served on them before issuing the order to remove the alleged unauthorized constructions.

4. Since it is specifically averred that petitioners were not served with prior notice, in order to give them one opportunity, the respondent-Municipal Corporation is directed to treat the notice dated 19.11.2016 as show cause notice and petitioners shall file their explanations within ten days (10) from today. If such explanations are filed within ten days from today, the respondent-Corporation shall consider the explanations and pass appropriate orders within a further period of two weeks. Till the final orders are passed, the respondent-Corporation is directed not to take any coercive action against the petitioners. If no explanations are filed within the time specified above, it is open to the respondent-

Corporation to proceed against the petitioners without any further notice.

5. 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.

24th November, 2016
Rds

P.NAVEEN RAO,J

