

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.2123 of 2016

-
27.01.2016

Between:

K.Anantha Lakshmi

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.S.Siva Bhami Reddy

Counsel for respondent No.1: Government Pleader
or Municipal Administration and Urban Development (AP)

Counsel for respondent No.2: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.2 in taking steps to demolish/remove the petitioner's public telephone booth/baddi shop in T.S.No.1165/1 situated at Hi-Tech bus stand, Kambala tank, Rajahmundry, East Godavari District, in pursuance of show cause notice, dated 22.12.2015, as illegal and arbitrary.

From the perusal of the record, it is evident that respondent No.2 has issued show cause notice, dated 22.12.2015, calling upon the petitioner to explain within seven days of receipt of the said notice, as to why the unauthorized shop erected by her over the Government property, contrary to the provisions of the of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), shall not be removed departmentally by respondent No.2 in public interest.

The petitioner pleaded that on receipt of the aforesaid show cause notice, she has submitted a detailed explanation on 08.01.2016. She has, however, filed this writ petition on apprehension that without considering the said explanation and taking any decision on the show cause notice, respondent No.2 is proceeding to demolish/remove the shop in question.

Mr.Ancha Panduranga Rao, learned standing counsel for the Municipal Corporations (AP) appearing for respondent No.2, on instructions, has submitted that no order has been passed by respondent No.2 on the aforesaid show cause notice.

In my opinion, having issued the show cause notice, respondent No.2 cannot take any action for demolition/removal of the shop in question raised by the petitioner, evidently under permission granted as far back as 24.06.2003, without considering the petitioner's

explanation and passing an appropriate order.

Therefore, respondent No.2 is directed to pass an appropriate order on the show cause notice, dated 22.12.2015, after considering the petitioner's explanation, dated 08.01.2016. The said respondent is also directed not to take any coercive steps for demolition/removal of the shop in question, till such an order is passed and communicated to the petitioner.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.2692 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

27th January, 2016
GHN