

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.836 of 2016

—
Date: 07.01.2016

Between:

Smt.D.Sreedevi

.. Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Municipal Admn. Dept.,
Hyderabad and another

.. Respondents

Counsel for the petitioner : Mr.B.Tara Sujatha

**Counsel for respondent No.1: GP for Municipal
Administration
(AP)**

—
—
—

The Court made the following:

—
—
—

Order:

This Writ Petition is filed for a Mandamus to set aside Letter No.A1/99/2015, dated 31-12-2015, of respondent No.2, whereby he has cancelled the toilet sanctioned to the petitioner in respect of House bearing No.38-41 (Old) 38-5 (new) of 15th Ward, Wallabh Nagar, Wanaparthi, under the Swachh Bharat and Swachh Telangana Programme.

A perusal of the impugned Letter shows that though the same has been termed as a notice, it is in the nature of a final order cancelling the toilet sanctioned to the petitioner earlier.

At the hearing, Mr.N.Praveen Kumar, learned Standing Counsel for Municipalities (TS) representing respondent No.2, has not disputed that the impugned Letter has not referred to any prior notice.

In my opinion, the issue as to whether the allotment of toilet to the petitioner in respect of the subject property was legal and proper or not can be decided only after issuing a show cause notice to the petitioner and considering the explanation, if any, submitted by her. As this procedure, which is

the fundamental facet of the principles of natural justice, is not followed by respondent No.2, the impugned notice in Letter No.A1/99/2015, dated 31.12.2015, of respondent No.2, is set aside. Respondent No.2 is directed to issue a show cause notice to the petitioner mentioning therein the grounds on which he is proposing to cancel the sanctioned toilet, consider the explanation that may be submitted by the petitioner, pass a speaking order and communicate the same to the latter.

The Writ Petition is, accordingly, allowed to the extent indicated above.

As a sequel, WPMP.No.1014 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 7th January, 2016
lur

