

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.9644 of 2016

ORDER:

Heard Sri J. Janaki Rami Reddy, learned counsel for the petitioners, and Sri Md. Saleem, learned Standing Counsel for the Nandikotkur Municipality.

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that the Hon’ble Court may be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus, to declare the action of the 2nd respondent in threatening to demolish the structures in premises bearing D.No.22-50-D-114 situated at Byreddy Nagar, Nandikotkur, Kurnool District, without passing any orders on the explanation dt.14.03.2016 submitted to the notice issued by the 2nd respondent dt.10.03.2016 as being illegal, arbitrary and unconstitutional and consequently direct the 2nd respondent herein not to take any coercive steps without following the due process of law, and to grant such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

Admittedly, in response to the notice dated 10.03.2016 issued by the Nandikotkur Municipality under Sections 192, 194 and 199 of the Andhra Pradesh Municipalities Act, 1965, the petitioners submitted explanation dated 14.03.2016. It is their complaint that without considering the same, the municipal authorities were resorting to coercive steps.

Having invited the explanation from the petitioners, it is not open to the municipality to keep the matter pending, on the one hand, and take coercive measures, on the other.

The writ petition is accordingly disposed of directing the respondent Municipality not to take any coercive measures unless and until it passes final orders upon due consideration of the petitioners’ explanation dated 14.03.2016 received in response to the notice dated 10.03.2016. Any action thereafter shall be strictly in accordance with the due procedure laid down by law.

Pending miscellaneous petitions, if any, shall stand closed in

the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:23.03.2016

GJ/PGS