

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.11737 OF 2016

ORDER

Heard Sri T.Ramulu, learned counsel for the petitioner and Smt. Pingali Lakshmi, learned standing counsel for the Greater Warangal Municipal Corporation.

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

‘Hon’ble Court may be pleased to issue order, direction more particularly one in the nature of Writ of mandamus declaring the proceedings No.U.C/26/TPS/W.No.45/Cir-IX/GWMC/2015 dated 16.03.2016, on the file of 2nd respondent herein as illegal, null and void and violative of Article 14 of the Constitution of India and contrary to the order dated 15-07-2015 made in W.P. No.21906 of 2015, and set aside the same, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

Perusal of the impugned proceedings dated 16.03.2016 reflects that the Municipal Corporation did not even take the trouble to mention the date and the date is only to be inferred from the endorsements made under the signatures at the bottom. That apart, having extracted the order passed by this Court in W.P.No.21906 of 2015, the Municipal Corporation failed to act in accordance therewith as there is no mention whatsoever in the body of the proceedings as to why the petitioner’s explanation was not found satisfactory. As the petitioner claimed thereunder that he had not constructed the AC roofed shed and compound wall in deviation to the sanctioned plan, it was for the Municipal authorities to verify and record a finding on this aspect of the matter. Without doing so, the Commissioner, Greater Warangal Municipal Corporation, baldly stated that the explanation submitted by the petitioner is not considered and directed him to remove the unauthorized structures.

It is too late in the day for administrative authorities to pass an

order of this nature when it visits adverse civil consequences upon the citizen. Recording of reasons is now recognized to be a part of the principles of natural justice. The impugned proceedings dated 16.03.2016 are accordingly set aside and the matter is remitted to the file of the Commissioner, Greater Warangal Municipal Corporation, for consideration afresh in accordance with the directions of this Court in W.P.No.21906 of 2015. The Commissioner of the Corporation shall pass a reasoned order after due consideration of the matter in accordance with law.

The writ petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed. No order as to costs.

SANJAY KUMAR, J

7th APRIL, 2016

PGS