

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.32290 of 2016

ORDER:

Heard the learned counsel for petitioners and Sri Nimmagadda Venkateswarlu, learned Standing counsel for 2nd respondent.

2. Petitioners assail the order dt.07-06-2016 passed under Section 228(3) of the A.P. Municipalities Act, 1965.

3. Petitioners were given a provisional order on 19-05-2016 alleging that petitioners had made certain constructions without leaving adequate set backs. Petitioners were asked to submit explanation thereto. Petitioners gave a representation on 07-06-2016 demanding copy of G.O.Ms.No.168 M.A. dt.07-04-2012 and Zoning Regulations as well as Inspection Report allegedly relied upon in the provisional order.

4. The contents of the impugned notice are very specific and the deviations alleged against the petitioners are also specific. The petitioners have not even denied the said allegations in the explanation submitted on 07-06-2016.

5. However, learned counsel for petitioners now states that if an opportunity is given to the petitioners to submit explanation, petitioners would submit the same within one week to the 2nd respondent.

6. In the facts and circumstances of the case, and since the petitioners under misconception appears to have been not submitted proper explanation, the notice under the A.P. Municipalities Act, 1965 issued on 07-06-2016 is set aside and the petitioners are granted one week from the date of receipt of a copy of this order to file explanation to the provisional order dt.19-05-2016. The 2nd respondent shall consider the same and pass a reasoned order and communicate the same to the petitioners within four (04) weeks thereafter. If the petitioners does not submit any explanation within the time stipulated above, the impugned notice dt.07-06-2016 shall stand revived.

7. The Writ Petition is disposed of with the above directions. No costs.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-09-2016

Note : Issue C.C. by 27-09-2016

B/o.
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