

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.13136 OF 2016

ORDER

Heard Sri G.Venkat Reddy, learned counsel for the petitioner, and Sri N.Praveen Kumar, learned standing counsel for the Mahaboobabad Municipality.

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

‘For the reasons stated in the accompanying Affidavit, it is prayed that this Honourable High Court may be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the impugned Confirmation Orders vide U.C.R. No.04/MCM/2016 & U.C.R. No.01/2016 both dated 12/04/2016 issued by the 2nd Respondent, directing the Petitioner to remove the alleged deviations within (3) days, as illegal, against the principles of natural justice as no prior Notice/s is/are issued, against the procedures contemplated under the A.P. Municipalities Act, 1965 and also violative of Articles 14 & 300-A of the Constitution of India, and consequently to direct the Respondents not to interfere with the construction work undertaken by the Petitioner pursuant to the Building Permissions in R.O.C.No.1419/MC/2015 Dt.05/09/2015 and R.O.C. No.1421/MC/2015 Dt.05/09/2015 granted by the 2nd Respondent, in the interest of justice and equity; and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.’

Though the impugned proceeding dated 12.04.2016 reads to the effect that notice was issued to the petitioner and the reasons given were not satisfactory, Sri G.Venkat Reddy, learned counsel, would assert that no notice whatsoever was given to the petitioner and no explanation was ever submitted.

Sri N.Praveen Kumar, learned standing counsel, states, on instructions, that the municipal authorities are unable to find any show-cause notice or explanation as stated in the impugned proceeding dated 12.04.2016.

In that view of the matter, this Court is of the opinion that the petitioner was completely deprived of an opportunity to respond to the allegations levelled by the municipal authorities of deviations in constructions. The impugned proceeding dated 12.04.2016 is therefore set aside. The Mahaboobabad Municipality shall issue a fresh notice to the petitioner setting out the details of the alleged deviations and invite an explanation from the petitioner within a time frame. After duly considering the explanation, if any, offered by the petitioner, the Mahaboobabad Municipality shall take appropriate action in the matter in accordance with law.

The writ petition is allowed. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

19th APRIL, 2016

Note: Issue C.C. in two days.
B/o PGS