

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**W.A.M.P.No.20 of 2016
and
WRIT APPEAL No.191 of 2016
And
WRIT PETITION No.17059 of 2013**

Dt:01.03.2016

Between:

V.Venkateswara Rao.

... Appellant

And

Smt.V.Raja Kumari and others.

... Respondents

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Mr.Vedula Venkataramana, learned Senior Counsel for the applicant-appellant and Mr.D.Prakash Reddy, learned Senior Counsel for respondent Nos.1 to 3.

The applicant-appellant seeks leave to file appeal against the order, dated 08.12.2015 passed in W.P.No.39732 of 2015 contending that the said order is affecting his rights. In W.P.No.39732 of 2015, the petitioners therein i.e. respondent Nos.1 to 3 in the appeal, sought direction in the nature of writ of mandamus declaring the action of the respondent-Corporation in issuing the order of cancellation of lay-out regularisation order, dated 23.11.2012, without notice to respondent Nos.1 to 3, as arbitrary, illegal and unconstitutional and consequently prayed for setting aside the proceedings, dated 09.03.2015. The writ petition has been allowed by learned Single Judge with the following observations made in concluding paragraph:

In this view of the matter, the impugned proceeding in Lr.LRS/1789/CR-11/WZ/GHMC/2012, dated 09.03.2015, of respondent No.1- Corporation is set aside. Respondent No.2 is directed to issue a detailed show cause notice to the petitioners. If the petitioners file their objections to the said show cause notice within the time stipulated therein, respondent No.2 shall hold a detailed enquiry, pass a speaking order and communicate the same to the petitioners. Till this exercise is completed, respondent Nos.1 to 3 shall not interfere with the possession of the petitioners over the

Plots in question. It is needless to observe that if the petitioners fail to submit their objections within the stipulated time, respondent No.3 shall be free to pass appropriate speaking order without any enquiry and based on the material available on record. If the petitioners require any information relevant to the issue, respondent No.2 shall furnish the same before holding the enquiry.

The applicant-appellant submits that his rights are likely to be affected if the lay-out regularisation order is maintained.

In the course of hearing of the application seeking leave to file appeal, we made certain suggestions to learned counsel for the parties and they have agreed for disposing of this application along with the appeal by the order that we propose to pass.

Mr.Vedula Venkataramana submits that the applicant-appellant has also filed W.P.No.17059 of 2013 in this Court challenging lay-out regularisation order, dated 23.11.2012. He further submits that the application (W.A.M.P.No.20 of 2016) as well as the writ appeal filed by the applicant-appellant may be disposed of in terms of the order that we propose to pass and the writ petition filed by the applicant-appellant (W.P.No.17059 of 2013) may also be disposed of as infructuous.

In the circumstances, we dispose of the leave application as well as writ appeal by the following order:

“After the Zonal Commissioner-respondent No.5 in the appeal, issues show cause notice as per the order, dated 08.12.2015, passed in W.P.No.39732 of 2015, it is open to the applicant-appellant to file objections for the lay-out regularisation order, dated 23.11.2012, and place supporting material with the objections, if any, within a period of 15 days from the date of issue of show cause notice with an advance copy thereof to respondent Nos.1 to 3. The Zonal Commissioner is directed to furnish copy of the show cause notice to the applicant-appellant. It is needless to mention that respondent Nos.1 to 3 also, while submitting their reply to the show cause notice, shall furnish

copy thereof along with the supporting material to the applicant-appellant. Respondent No.5 shall decide the show cause notice after taking into consideration the reply of respondent Nos.1 to 3 and the objections that will be filed by the applicant-appellant, after granting an opportunity of being heard to all the concerned, expeditiously. All contentions of the parties are kept open. We hope and trust that respondent No.5 shall decide the show cause notice uninfluenced by the observations made in this order or in the impugned order in the appeal.

The order that will be passed by respondent No.5 on the show cause notice shall not be given effect to for a period of 15 days from the date of the order. While passing this order, it is made clear that we have not examined merits of the case.

W.P.No.17059 of 2013 is disposed of as infructuous.”

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO,J

Dt:01.03.2016
kdl

