

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 18814 of 2016

ORDER:

Heard.

The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.2 in issuing proceedings dated 02.05.2016, directing the petitioner to remove a portion of the building bearing D.No.7A-8-6, Main Bazar, Eluru, as illegal and arbitrary.

Though various grounds are raised, learned counsel for the petitioner submits that pursuant to the show cause notice dated 02.05.2016, issued by the Assistant City Planner, Municipal Corporation, Eluru, he claims to have submitted his explanation to the said show cause notice. It is his case that without considering the explanation submitted by him, the authorities are trying to dispossess/demolish the structures.

Learned Standing Counsel opposed the application contending that the reply which has been filed by the petitioner does not anywhere indicate the date on which it has been presented and also whether the same was presented before the concerned authorities.

Having regard to the rival submissions made and having regard to the facts and circumstances of the case, the writ petition is disposed of directing respondent No.2 to consider the explanation given by the petitioner, if it is submitted, within a period of three weeks from the date of receipt of a copy of this order. If no such explanation is given, the petitioner shall give an explanation to the show cause notice forthwith, in which event, respondent No.2 shall consider the same, within a period of three weeks thereafter. Meanwhile, the respondents shall not take down or demolish the

property in dispute.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

16.06.2016,

Note:

Issue CC today

B/o.

vhb