

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38080 OF 2016

DATED : 07.11.2016

Between :

Naredla Vishnuvardhan Reddy S/o.Dayanand Reddy,
Aged 33 yrs, Occu : Business,
R/o.Giripally Village, Gajwel Mandal,
Siddipet District & 2 others.

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Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration Urban Development Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.38080 of 2016****ORDER :**

Alleging that compound wall was constructed on drain, notice was issued on 31.10.2016 directing the petitioners to remove the compound wall. Aggrieved thereby, this writ petition is filed.

2. Learned counsel for the petitioners would submit that there was no prior notice calling upon the petitioners to submit their explanation and straight away direction was issued to remove the compound wall. However, on 01.11.2016 petitioners submitted detailed explanation informing the 2nd respondent-Commissioner, Pragnapur Nagar Panchayat that they are not in occupation of NALA as alleged and construction was made within the boundaries of their property which is a patta land. However without passing any orders on the explanation submitted, the 2nd respondent is taking coercive steps to remove the compound wall.

3. From a reading of the notice dated 31.10.2016 it appears that there was no prior show cause notice issued to the petitioners calling upon them to submit their explanation. From the photographs filed along with the affidavit filed in support of the writ petition, it appears that compound wall was already constructed. Thus removal of compound wall would cause adverse consequences. The 2nd respondent ought to have caused notice, calling explanation from the petitioners before initiating coercive steps.

4. Be that as it may, since petitioners have already filed their detailed explanation on 01.11.2016, the 2nd respondent is directed to consider the same and pass a reasoned order and communicate the same to the petitioners. Till the orders are passed as directed above, the respondent-Nagar Panchayat shall not take any coercive steps.

5. With the above directions, the Writ Petition is disposed of. There is no expression of opinion on merits including the rival claims by respondents 4 and 5. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

7th November, 2016
Rds

P.NAVEEN RAO,J

