

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.2899 of 2016

Date:01.02.2016

Between:

J.Narsimlu,
S/o Mogulaiah

..... Petitioner

And:

The State of Telangana., repled, by its
Principal Secretary, Municipal Administration
Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Ms. Akula Sunitha

For Mr. M.Amarnath

Counsel for Respondent No.1: AGP for Municipal Admn.
(TS)

The Court made the following:

ORDER:

The purported inaction of respondent No.2 in taking further steps after issue of notice, dated 16.10.2015, for removal of latrine constructed by respondent No.3, is assailed in this Writ Petition.

This case has a chequered history. However, for the present purpose, it is not necessary to refer to the previous background except that when respondent No.3 has received a notice for removal of the latrine, she has filed Writ Petition No.12578 of 2015. This Court by order, dated 27.4.2015, disposed of the said Writ Petition holding that the notice impugned therein did not indicate as to what was the nature of violation in construction of

the building. Accordingly, this Court directed respondent No.2 to issue a fresh notice and permitted respondent No.3 to submit her explanation while directing *status quo* to be maintained till a decision is taken by respondent No.2. Following the said order, respondent No.2 has issued a fresh notice on 16.10.2015 and respondent No.3 has submitted her explanation on 29.6.2015. As no decision was taken by respondent No.2 as to whether the latrine shall be removed or not, the petitioner filed this Writ Petition.

Mr. N.Praveen Kumar, learned Standing Counsel for Municipalities (Telangana State) submitted that respondent No.2 is convinced that respondent No.3 has not violated law in constructing the latrine. However, he has admitted that no final order was passed under Section-228(3) of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act').

When a proceeding is initiated under the Act, respondent No.2 shall bring the same to its logical end. If after issue of notice to respondent No.3, respondent No.2 is satisfied that the alleged construction is not liable for removal, it is appropriate for it to pass an order and communicate the same to the petitioner, so that if he feels aggrieved by such order, he will be free to avail further legal remedies.

In this view of the matter, respondent No.2 is directed to pass an order on the notice, dated 16.10.2015, and communicate the same to the petitioner and respondent No.3 within two weeks from the date of receipt of a copy of this order.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.3637 of 2016 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA
REDDY

01st February, 2016
DR