

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
WRIT PETITION No.19638 OF 2016
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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Municipal Administration and Urban Development, for respondent No.1 and Sri M.Ajay Kumar, learned Standing Counsel for KUDA, for respondent No.4. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of 2nd respondent in issuing notice No.25/UC/W No.23/Cir.IV/WMC/2016 dated 14.06.2016 by directing to demolish the illegal constructions i.e., compound wall and GI Sheet roof of the petitioner house bearing No.16-1-321/3, SRR Thota, Perukawada, Warangal and without considering my LRS application is illegal and arbitrary and against the principles of natural justice and is violation of HMC Act and consequently set aside the same in the interest of justice and to pass such other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. A perusal of the material on record would show that a notice dated 04.05.2016, under Sections 452(1) & 461(1) of the HMC Act, 1955, was issued by the Warangal Municipal Corporation asking the petitioner to submit explanation within seven (07) days from the date of receipt of a copy of said notice, in view of the unauthorised constructions in the disputed land and accordingly, the petitioner submitted his explanation on 07.05.2016. After

considering the explanation, an order is said to have been passed on 14.06.2016 intimating the petitioner about further action as per Sections 461(4)/ 461-A/596/ 636 of the HMC Act, 1955.

4. Learned Standing Counsel for Municipalities submits that there is no immediate threat of demolition and the petitioner has to give an explanation to the notice dated 14.06.2016.

5. Recording the statement made by the learned Standing Counsel for Municipalities, the Writ Petition is disposed of directing the petitioner to give explanation to the show cause notice dated 14.06.2016 issued under Section 461(1) of the Act within a period of ten (10) days from today and thereafter, pass appropriate orders in accordance with law after hearing the writ petitioner.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:21.06.2016
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