

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42151 OF 2016

DATED : 05.12.2016

Between :

Muthineni Veera Bhadram, S/o.Rajaiah,
Aged about 65 yrs, Occu : Agricultural Labour,
R/o.Ameenabad Village of Ananthagiri Mandal,
Suryapet District, T.S.

..
Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary to Home Department,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Petitioner challenges the notice dated 16.11.2016 issued by the Executive Magistrate, Ananthagiri, in M.C.No.272 of 2016. Petitioner alleges that such notice is not valid in law and could not have been issued directing the petitioner to pay penalty of Rs.50,000/-, without giving due opportunity of hearing and granting sufficient time.

2. A bare perusal of the notice, it is seen that it is only a show cause notice calling upon the petitioner to submit his explanation. No explanation is filed and petitioner sought to rely on the first limb of 2nd para, whereby petitioner was asked to pay penalty of Rs.50,000/-. The 2nd limb gives an option to the petitioner either to pay the penalty or to show cause and petitioner may submit his explanation and on consideration of such explanation, appropriate decision may be taken.

3. However, having regard to the fact that severe penal consequences would fall, petitioner is given liberty to file an explanation within one week from today and on filing of such explanation, the same may be considered and appropriate decision be taken and communicated to the petitioner. Till the decision is taken on such explanation, no coercive steps shall be taken against the petitioner. If no explanation is filed by the petitioner as directed above, in terms of the notice already issued, it is open to the respondents to take further action.

4. With the above directions, the Writ Petition is disposed of.
There shall be no order as to costs.

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

5th December, 2016
Rds

P.NAVEEN RAO,J

