

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.2711 of 2016

Dated 29.01.2016

Between:

D.Chetan

... Petitioner

and

-
The State of Andhra Pradesh

rep. by its Prl.Secretary

Municipal Administration & Urban Development Dept.,
Hyderabad and another.

...Respondents

Counsel for the petitioner:

Mrs.K.Leela Reddy

Counsel for respondent No.1:

GP for Municipal Administration

The Court made the following:

Order :

Notice, dated 14.01.2016, issued under Sections 189 and 192 of the Andhra Pradesh Municipalities Act, 1965, to the petitioner, is assailed in this Writ Petition.

A perusal of the impugned notice shows that no prior notice was issued to the petitioner. This Court in its judgment, dated 16-11-2015, in WP.No.37161 of 2015 and batch, held that even though the provisions of Section 192 of the Andhra Pradesh Municipalities Act, 1965, do not expressly

envisage a prior notice, the principles of natural justice require that such requirement shall be read into the said statutory provision. As respondent No.2 has not followed this procedure, the impugned notice is set aside only on this short ground, however, with liberty to respondent No.2 to issue show cause notice and take a fresh decision after considering the objections/explanation, if any, filed by the petitioner.

The Writ Petition is, accordingly, allowed.

As a sequel, WPMP.No.3396 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 29th January, 2016
LUR