

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

Writ Petition No.2390 of 2016

Dated 28.01.2016

Between:

Lambade Sakubadi

... Petitioner

and

-
The State of Andhra Pradesh
rep. by its Prl.Secretary
Hyderabad and another

...Respondents

**Counsel for the petitioner:
Yannam**

Mr.Narapa Reddy

**Counsel for the respondent No.1: GP for Municipal
Administration (AP)**

The Court made the following:

Order:

Notice, dated 12.01.2016, issued by respondent No.2, under Sections 189 and 192 of the Andhra Pradesh Municipalities Act, 1965, is assailed in this Writ Petition, mainly on the ground that before ordering removal of encroachment, respondent No.2 has not issued any show cause notice to the petitioner giving her an opportunity to submit her objections.

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.3016 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 28th January, 2016
LUR

