

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 37320 OF 2016

ORDER:

Heard learned counsel for the petitioner; learned Government Pleader for Municipal Administration appearing for the first respondent and Md.Saleem, learned Standing Counsel for the second respondent.

2. Challenging the notice issued by the second respondent-Rayadurgam Municipality dated 26.10.2016, petitioner approached this court by this writ petition.

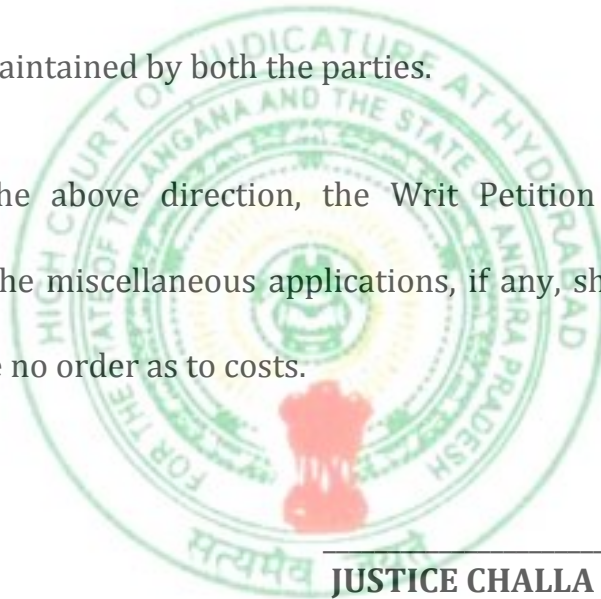
3. It is the case of the petitioner that under the impugned notice the respondent directed her to remove the alleged construction of compound wall at Ward No.5, Sy.No.230-A1, admeasuring 12-60 sq.mts, of Rayadurgam Municipality, stating that it is on the road margin. As a matter of fact, petitioner has constructed the said compound wall only on her own land and the respondents are the one who made a drainage in the petitioner's land. Petitioner also submits that no notice was given directing the petitioner to remove the alleged encroachment thereby violating the principles of natural justice.

4. Learned Standing Counsel fairly submits that the petitioner may treat the communication dated 26.10.2016 as a show cause notice,

and that as and when she submits her explanation, the same will be considered by the respondents.

5. Considering the fair submission on behalf of the second respondent-Municipality, petitioner shall treat the notice dated 26.10.2016 issued by the second respondent as a show cause notice and submit her explanation within fifteen days from today, which shall be considered and appropriate orders be passed thereon by the second respondent within two weeks thereafter. Till passing of appropriate orders on the explanation submitted by the petitioner, *status quo* in all respects be maintained by both the parties.

With the above direction, the Writ Petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.



JUSTICE CHALLA KODANDA RAM

November 1, 2016

Note:-

Furnish copy in two days.

{B/o}

LMV