

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38025 OF 2016

DATED : 07.11.2016

Between :

Mogili Appa Rao S/o.Narsaiah,
Age : 60 yrs, R/o.H.No.3-13,
Yerrupalem Village & Mandal,
Khammam District.

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Petitioner

And

The State of Telangana,
rep., by its Principal Secretary,
Municipal Administration & Urban Development,
Department, Secretariat,
Hyderabad & others.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.38025 of 2016****ORDER :**

Petitioner is aggrieved by the order dated 31.10.2016. Though building permission was granted to the petitioner by the order impugned he was asked not to undertake further construction and to settle the dispute between the petitioner and the complainant before the civil Court.

2. Learned counsel for the petitioner would submit that no notice was served on him. There was no opportunity for him to explain that no fraud was played by him. According to learned counsel, the respondent-Corporation, could not have reacted to a false complaint generated by a third person and mandate the petitioner not to undertake further construction.

3. Learned Standing counsel, on instructions, would submit that notice was issued on 17.08.2016. But was returned unserved and thereafter the notice was pasted.

4. Learned counsel for the petitioner would submit that till the final orders are passed he would not undertake any further construction. He would also submit that the complainant died even before the order is passed and the order is passed at the instance of third parties.

5. Since learned counsel for the petitioner would submit that he was not served with notice and there was no opportunity for him to respond to the allegations leveled in the show cause notice and even according to learned Standing counsel, notice earlier sent was returned, I am of the considered opinion that in the interest of

justice, the petitioner be given an opportunity to substantiate his stand vis-à-vis, the allegation leveled against him by the third person.

6. Having regard to the facts of the case, I direct the respondent-Corporation to treat the proceedings dated 31.10.2016 as show cause notice. The Commissioner is also directed to furnish a copy of the complaint given by P. Raj Kumar. As and when the complaint and earlier show cause notice dated 17.08.2016 are furnished to the petitioner, the petitioner shall submit his explanation within a period of one week from the date of receipt of those documents. On receipt of explanation, the Commissioner shall pass appropriate orders as warranted by law, within a further period of two weeks and communicate the same to the petitioner to his residential address as may be furnished by him along with his explanation. It is made clear that all the contentions are left open for consideration in appropriate proceedings and it is also made clear that there is no expression of opinion on merits and the contentions urged.

7. 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.

P.NAVEEN RAO,J

7th November, 2016

Note : Issue C.C., in three (3) days.

B/o.

Rds