

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 989 OF 2017

ORDER:

Challenging the notice dated 27.10.2016 issued by the 2nd respondent - Rayadurg Municipality, the petitioners have approached this court by this Writ Petition.

The case of the petitioners is that by the impugned notice, the 2nd respondent directed them to remove some portion of their building in premises bearing D.No. 11-1-19, near Tower Clock, Rayadurg Town, Anantapur District on the ground that the said portion has encroached the road.

Learned counsel for the petitioners submits that the petitioners have constructed the subject building in their own land and that they have not occupied the public road. The learned counsel further submits that no notice was given directing the petitioners to remove the alleged encroachment, thereby violating the principles of natural justice.

Learned Standing Counsel for the 2nd respondent fairly submits that the petitioners may treat the communication dated 27.10.2016 as a show cause notice and that as and when they submit their explanation, the same will be considered by the respondents.

Considering the fair submission on behalf of the 2nd respondent-Municipality, the petitioners shall treat the notice dated 27.10.2016 issued by the 2nd respondent as a show cause notice and submit their explanation within 15 days from today. Within fifteen days thereafter, the 2nd respondent shall consider

the same and pass appropriate orders thereon. Till then, *status quo* existing as on today in all respects be maintained by both the parties.

With the above direction, the Writ Petition is disposed of.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

24th January 2017

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