

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9139 of 2017

ORDER:

Petitioner is aggrieved by the impugned notice dated 27.02.2017 (wrongly typed as 27.02.2016), issued by respondent No.2 – Municipality, alleging that he is unauthorisedly occupying the road margin. Petitioner further submits that the impugned notice is vague as he inherited property bearing No.9/68, Guntakal Road, Gooty Town, Anantapur District, from his ancestors, who had constructed a house thereat in the year 1975 in terms of the sanctioned plan issued by the Gram Panchayat. It is only Gram Panchayat was converted into Municipality in the year 2014. Inasmuch as the petitioner had obtained permission from Gram Panchayat, it cannot be said that the construction is illegal.

Sri M.D.Saleem, learned Standing Counsel for respondent No.2, submits that respondent No.2- Municipality shall consider the explanation that would be submitted by the petitioner and, only thereafter, necessary action would be taken in accordance with law.

In the light of the submission of the respective parties, liberty is given to the petitioner to submit his explanation within two weeks from the date of receipt of a copy of the order, and the same shall be considered by respondent No.2- Municipality, in accordance with law, and if the explanation is

found not satisfactory, necessary action be taken in accordance with law. Respondent No.2 – Municipality shall not take any coercive steps till orders are passed, after considering the explanation submitted by the petitioner.

The Writ Petition is, accordingly, disposed of.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 15.03.2017
Note:CC two days
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