

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14307 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner being aggrieved of the notice, dated 12.04.2017, issued by the second respondent-Municipality *inter alia* holding that he has unauthorisedly occupied a road margin and directing him to remove the bunk within seven days from the date of receipt of the said notice.

2. I have heard the submissions of Sri S.Dushyanth Reddy, learned counsel for the petitioner, and of Md.Saleem, learned Standing Counsel for the second respondent-Corporation. I have perused the material record.

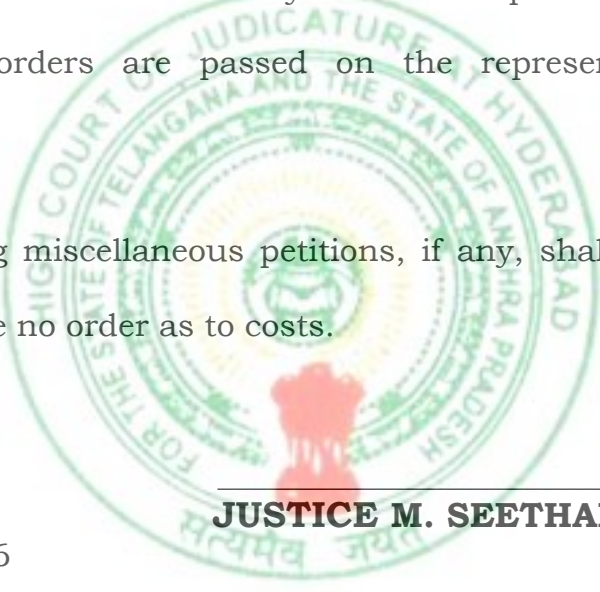
3. Learned counsel for the petitioner would submit as under: "The petitioner is carrying on a petty business by running a provisions store in the subject bunk since past 30 years and was and is eking out his livelihood. It is the only source of livelihood for him and his family. The second respondent-Municipality is not entitled to proceed against him and remove the bunk without following the procedure established by law. Further, to the notice, dated 12.04.2017, which is impugned, he has already submitted his representation, dated 17.04.2017; and it is pending consideration with the second respondent-Municipality."

3. Md.Saleem, learned Standing Counsel for the second respondent, submits that the second respondent-Municipality will consider the representation submitted by the petitioner and would

take necessary action in strict accordance with law only after passing appropriate orders on the representation of the petitioner.

4. In the light of the submissions made before this court, the Writ Petition is disposed of directing the second respondent-Municipality to consider the representation, dated 17.04.2017, of the petitioner in strict accordance with the procedure established by law and then take action, if necessary and as per law, if only the contents of the said representation are found unsatisfactory and untenable. It is made clear that the second respondent-Municipality shall not take any coercive steps in the matter till appropriate orders are passed on the representation of the petitioner.

Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.



JUSTICE M. SEETHARAMA MURTI

April 24, 2016
LMV