

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.230, 236, 242, 244 & 245 OF 2017

Dated:03.01.2017

W.P.No.230 of 2017

Between:

Smt. N. Chandrakala, W/o. Late K. Venkata
Gopal, Aged about 30 years, R/o.H.No.25-589,
Vasanthapeta, Proddatur Town & Mandal,
YSR Kadapa District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Municipal Administration
and Urban Development Department,
Secretariat Buildings, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.230, 236, 242, 244 & 245 OF 2017

COMMON ORDER:

Heard. With the consent of learned counsel for the parties, these Writ Petitions are being disposed of at the stage of admission.

2. In these Writ Petitions, the petitioners challenge the notice, dated 05.12.2016, alleging that they have illegally constructed their respective properties, which are to be removed within a period of three days. The claim of the petitioners is that the said notice was not preceded by a show cause notice with an opportunity to submit their explanation on the allegation made in the notice and the said notice is in the form of a final notice to remove the structures.

3. When these matters are taken up for consideration, learned Standing Counsel for the respondent – Municipality, on instructions, submits that the notice, dated 05.12.2016, is to be treated as a show cause notice and the petitioners may be directed to submit their explanation to the same.

4. Learned counsel for the petitioners fairly submits that the petitioners may be granted liberty to submit their explanation treating the notice, dated 05.12.2016, as show cause notice.

5. Having regard to these submissions, the Writ Petitions are disposed of directing the respondent – Municipality to treat the notice, dated 05.12.2016, as show cause notice and the petitioners are granted liberty to submit their explanation to the said notice

within a period of two weeks from today. If such explanation is submitted by the petitioners within the time granted, the respondent - Municipality shall consider the same and pass appropriate orders within a period of four weeks from the date of receipt of explanation by the petitioners. Till final orders are passed, as directed above, the respondent – Municipality shall not take any coercive action against the petitioners. It is made clear that if no application is filed within the time granted, it is open to the respondent – Municipality to take further action as per the impugned notice.

6. With the above observations and directions, the Writ Petitions are disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in these Writ Petitions shall stand closed.

Date:03.01.2017

KH

P. NAVEEN RAO, J

