

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.7522 OF 2012

ORDER:

Heard Mr.Sinivasa Rao for petitioner, the Assistant Government Pleader (Panchayat Raj) for respondent No.1, Mr.Narender Reddy for respondent No.2, Mr.Gajanand Chakravarthi for respondent No.3 and Ms.Sai Priya for respondent No.4.

The petitioner challenges proceedings No.40/GPN/2011 dated 10.02.2011. The proceedings are principally challenged on the ground that the 2nd respondent persuaded by the plan given by respondent Nos.3 and 4 without affording opportunity to petitioner revoked the permission granted and secondly restrained the petitioner from undertaking further construction at the subject matter of the writ petition.

The 2nd respondent filed counter affidavit and replies that notices in fact, have been tried to be served on the petitioner, but the petitioner has refused to receive the notices. Consequently, the refusal was recorded on the back of notice dated 15.03.2011 and notice impugned in the writ petition is issued.

This Court having regard to the nature of directions issued through the notice dated 10.02.2012 does not propose to examine whether the petitioner refused to receive notice or not. However, to afford opportunity to petitioner to submit explanation, the 2nd respondent is directed to treat the notice dated 10.02.2012 as show cause notice and petitioner is given liberty to submit explanation

within two weeks from the date of receipt of a copy of this order.

Thereafter, the 2nd respondent affords opportunity to petitioner as well as respondent Nos.3 and 4 and to the extent law permits, considers and passes orders as are deemed fit and proper in the circumstances of the case.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date: 23.01.2017

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