

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7221 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in issuing the impugned notice dated 21.02.2017, issued by the 2nd respondent.

It is the case of the petitioner that he is the absolute owner and possessor of the house bearing No.6-3-52, Mominmahilla Gadwal Municipality, Mahabubnagar District. The 2nd respondent after its due enquiry gave permission on 17.10.2015 for construction of a house and the petitioner got constructed the house as per the sanctioned plan and there is no violation of the sanctioned plan. It is further stated that the 2nd respondent having issued permission for construction of a house, directed the petitioner to remove the unauthorized constructions. The petitioner submitted a detailed explanation on 23.02.2017 to the impugned notice issued by the 2nd respondent categorically stating that the 2nd respondent did not issue any prior notice and the same is issued violating the principles of natural justice. Further, the respondents did not pass any final orders on the explanation submitted by the petitioner so far.

The contention of the learned counsel for the petitioner that the petitioner had submitted a detailed explanation on 23.02.2017 and without considering the explanation submitted by the petitioner, the respondent authorities are making efforts to demolish the construction of the petitioner.

Inasmuch as no final orders are passed as on today on the explanation dated 23.02.2017, submitted by the petitioner, the writ petition is disposed of directing the respondents to pass final orders on the explanation dated 23.02.2017 submitted by the petitioner forthwith.

Only after passing the final orders, the respondents may take any action under Section 453 of the Act. Till such time the order is made on the explanation submitted by the petitioner, no coercive steps shall be taken against the petitioner.

With this, the Writ Petition stands disposed of. No order as to costs. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

01.03.2017.

Note:

Issue CC forthwith.

B/o.

GK



THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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01.03.2017

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