

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 1029 OF 2017

Between:

Sri K. V. Raghava Chary S/o Anantha Chary aged about 59 years
Occ. Retired Government Employee

....Petitioner

A n d

The State of Telangana represented by its Principal Secretary,
Department of Municipal Administration, Secretariat and two
others.

....Respondents

DATE OF ORDER: 05.01.2017



HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION NO. 1029 OF 2017****ORDER:**

Heard learned counsel appearing for both sides and with their consent, the Writ Petition is taken up for disposal.

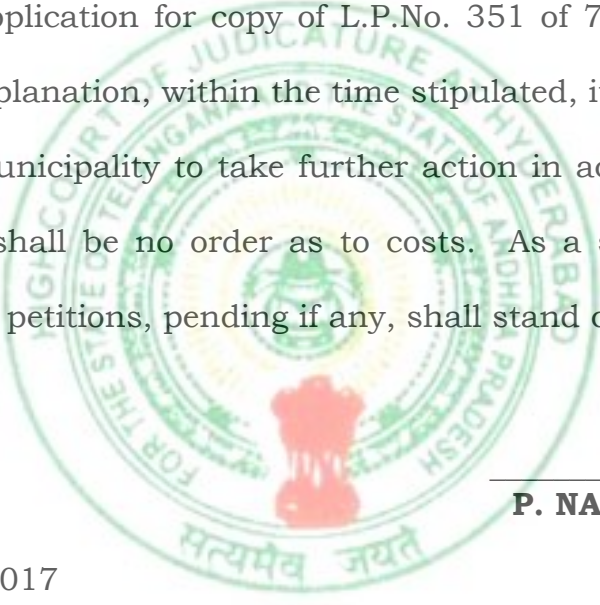
The petitioner challenges the Notice dated 28.12.2016 directing the petitioner to remove the alleged unauthorized construction on the ground that the notice was not preceded by show cause notice and without giving due opportunity of explanation to the final notice. If proper opportunity is afforded to the petitioner, the petitioner would satisfy the authority about the construction taken by him and title to the land on which the construction is made.

Learned Standing Counsel accepted that the notice was not preceded by any show cause notice and an opportunity was not afforded to file his explanation and the said notice shall be treated as show cause notice and petitioner be directed to file explanation.

Counsel for the petitioner agrees for the submission of the explanation if notice impugned is treated as show cause notice. He also submits that for effective explanation he needs copy of L.P.No. 351/78.

With the aforesaid submission, this Writ Petition is disposed of directing the respondents to treat the notice dated 28.12.2016 impugned in the Writ Petition as show cause notice. Petitioner shall submit an application within one week from today

for supply of copy of LP No. 351/78. On making such application, the Commissioner shall furnish the same within one week thereafter. From the date of receipt of copy of L.P.No. 351 of 78, the petitioner shall submit his explanation within a period of two weeks. On receipt of explanation from the petitioner, the Commissioner shall consider and pass appropriate orders within three weeks by assigning reasons in support of the decision and communicate the same to the petitioner. Till the orders are passed, no coercive action shall be taken. If the petitioner does not submit application for copy of L.P.No. 351 of 78 and/or does not submit explanation, within the time stipulated, it is open to the respondent Municipality to take further action in accordance with law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.



P. NAVEEN RAO, J

Date: 05.01.2017

KA

Note: Communicate copy in three days.