

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.11076 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in issuing notice dated 23.03.2017, violating the fundamental rights of the petitioner.

One of the grounds on which the petitioner challenges the writ petition is that he is not provided with the opportunity of hearing apart from non consideration of the explanation said to have been submitted by her on 22.03.2017.

Heard the learned counsel for the petitioner and the learned Government Pleader for the Municipal Administration.

A perusal of the order dated 23.03.2017, does not disclose consideration of the explanation submitted by the petitioner on 22.03.2017, which was acknowledged by the dispatch section, Zone-II, Greater Visakhapatnam Municipal Corporation, on 23.03.2017. Further, considering the very nature of deviation, which is alleged, is not a case where the demolition is warranted, atleast without considering the explanation that is submitted by the petitioner. In those circumstances, the impugned notice issued by the respondent authorities is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the notice dated 23.03.2017, issued by the respondent authorities, by giving liberty to the respondent authorities to make a fresh order after considering the explanation submitted by the petitioner on 22.03.2017, within a period of four weeks from the date of receipt of copy of the order. Till such time orders are passed on the explanation dated 22.03.2017, submitted by the petitioner, no coercive steps shall be taken against the petitioner. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

CHALL KODANDA RAM,J

Date:28.03.2017.

Note:

Issue CC forthwith.

B/o.Gk.

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Gk.

