

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.25883 of 2017

ORDER:

Heard the learned counsel for the petitioners and Sri Sampath Prabakhar Reddy, learned Standing Counsel for the respondent Municipal Corporation.

2. A notice bearing No.110/76/TPS/CIR-Xxi/WZ/GHMC, dated 31.07.2017, purported to have been issued under Section 402 and 405 of GHMC Act, 1955 is under challenge in the present writ petition.

3. According to the learned counsel for the petitioners, the subject wall was constructed 30 years back by the ancestors of the petitioners. It is the further submission of the learned counsel that the time granted by the respondent authorities is also highly unjust and the impugned action on the part of the respondent authorities without being preceded by any notice and opportunity of being heard is violative of the principles of natural justice. On the other hand, it is submitted by the learned Standing Counsel Sri Sampath Prabhakar Reddy that the petitioners herein may submit explanation to the notice impugned and the same will be considered in accordance with law.

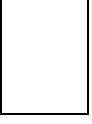
4. Having heard the learned counsel for the petitioners and the learned Standing Counsel for the Municipal Corporation, this Court deems it appropriate to dispose of the writ petition keeping it open for the petitioners herein to submit their explanation for the impugned notice, treating the same as show-cause notice, within a period of one week from the date of receipt of this order. If any such explanation is filed by the petitioners within the time stipulated above, the same be considered and appropriate orders be passed

in accordance with law, after giving opportunity to the petitioner. It is also made clear that in the event of failure on the part of the petitioners herein to file explanation within the time stipulated above, this order will not enure to the benefit of the petitioners herein and it is open for the respondents to proceed in accordance with law. Till the said exercise attains finality, no coercive steps shall be taken pursuant to the impugned notice. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

Date: 02.08.2017
Grk

A.V.SESHA SAI, J





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Dated:02.08.2017

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