

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

WRIT PETITION NO.30331 OF 2017

ORDER:

In the present writ petition, the petitioner herein assails the alleged action on the part of the 2nd Respondent in threatening to demolish his house bearing D.No.11-7, situated at old Harijanawada, Penamaluru Village and Mandal, Vijayawada, Krishna District, Andhra Pradesh.

Heard the learned counsel for the petitioner and Sri D.Ramesh, learned Standing Counsel for the 2nd Respondent- Andhra Pradesh Capital Regional Development Authority(CRDA).

The Zonal Assistant Director, CRDA issued a show cause notice under Section 115(1) of Andhra Pradesh Capital Region Development Authority Act, 2014 and RC No.CRDA-12021(42)/132/2017, dated 28-08-2017 calling upon the petitioner herein to file an explanation to show cause as to why the said notice should not be confirmed. A perusal of the said show cause notice shows that the same was signed by the 2nd Respondent on 31-08-2017. According to the petitioner, 2nd Respondent served the said notice on the petitioner on 04-09-2017. Thereafter, the petitioner herein submitted an explanation dated 05-09-2017 by registered post. The postal receipt is also enclosed with the writ petition as a material paper. The allegation of the petitioner in the present writ petition is that 2nd Respondent is proceeding further with the process of demolishing the subject house without even considering explanation offered by the petitioner on 05-09-2017. According to the learned counsel for the petitioner, the entire exercise

undertaken by the Respondent herein is totally one without jurisdiction and contrary to the Andhra Pradesh Capital Region Development Authority Act, 2014 and the Respondent herein without considering the explanation offered by the petitioner herein are attempting to take coercive steps. Since the petitioner herein already submitted his explanation to the show cause notice on 05-09-2017 and as the same is pending consideration before the 2nd Respondent, this court deems it appropriate to dispose of the present writ petition by directing the 2nd respondent to consider the explanation dated 05-09-2017 submitted by the petitioner herein in response to the show cause notice dated 28-08-2017 and to pass final orders strictly in accordance with law after hearing the petitioner herein. Till the said exercise attains finality, no coercive action pursuant to the show cause notice dated 28-08-2017 shall be taken.

With the above observation, the writ petition is disposed of at the stage of admission. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

07.09.2017
TSNR

A.V.SESHA SAI, J