

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

WRIT PETITION No.29784 of 2017

ORDER:

Heard learned counsel for the petitioner and Sri N.Praveen Kumar, learned Standing counsel for the 2nd respondent Municipality.

The petitioner claims to have purchased the land bearing H.No.4-3-6 and 4-3-6/1 admeasuring 396.33 square yards in Sy.No.155, Cinema Road, Bhuktapur, Adilabad, by way of a registered sale deed bearing document No.4018 of 2014, dated 08.08.2014, jointly along with one Nandakishore Gundawar. It is stated that ever since the date of purchase, the petitioner is in possession and enjoyment of the said property. It is the case of the petitioner that on an application made for construction of stilt + Ground + 2 upper floors, the 2nd respondent, after due verification of the documents, granted building permission vide proceedings No.G1/BA/262/2015, dated 01.10.2015, and after obtaining the said permission, the petitioner constructed the building and residing therein without interference from any one. It is also stated that one Mr. Md. Farooq Ahmed, who is the Vice Chairperson of Adilabad Municipal Council, because of political rivalry with the petitioner and to take revenge on him, along with two others filed W.P.No.18671 of 2017 before this Court and this Court disposed of the said writ petition, directing the respondent Municipality to consider the

representation, dated 20.04.2017, submitted by the petitioner therein.

The grievance of the petitioner in the present writ petition is that without issuing any show cause notice, without giving any opportunity to file explanation and without hearing him, the 2nd respondent Municipal Commissioner issued the impugned notice under Section 228 of the Telangana State Municipal Act, 1965 for removal of the alleged deviated constructions.

According to the learned counsel for the petitioner, the said action on the part of the 2nd respondent is highly arbitrary and is violative of principles of natural justice.

On the other hand, it is submitted by the learned Standing counsel that the impugned notice may be directed to be treated as a show cause notice and the petitioner may be given opportunity to file explanation and if any such explanation is filed, the same may be considered by the respondents in accordance with law.

Recording the above said submissions, the writ petition is disposed of, keeping it open to the petitioner to submit his explanation to the impugned notice, dated 28.08.2017, by treating the same as show cause notice, within a period of two weeks from the date of receipt of this order. If any such explanation is filed within the time stipulated above, the same be considered and further action will be taken in accordance

with law, after giving notice to all the stake holders. No order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

Date: 04.09.2017
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A.V.SESHA SAI, J

