

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

WRIT PETITION No.29118 of 2017

ORDER:

Heard learned counsel for the petitioner and Sri Md.Saleem, learned Standing counsel for the 2nd respondent Municipality.

Petitioner herein claims to be the owner of plot bearing No.6-221 having purchased the same from one Sk. Mohaboob Basha by way of a registered sale deed bearing document No.1975/2006 in the year 1996. It is stated that one Ch.Murali filed PLC No.16 of 2017 before the Mandal Legal Services Committee, Srikalahasthi and the same was taken up and posted to 26.07.2017. In the said PLC, the 2nd respondent herein was also arrayed as a party. It is alleged in the affidavit fled in support of the writ petition that under the influence of the petitioner in the said PLC, the 2nd respondent issued the impugned notice, dated 12.07.2017.

According to the learned counsel for the petitioner, the action of the 2nd respondent in issuing the impugned notice is highly illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India and opposed to the very spirit and object of the provisions of the A.P. Municipalities Act, 1965 (for short, "the Act"). It is submitted that the 2nd respondent has no jurisdiction to issue such a notice. It is also the submission of the learned counsel that the subject property is a private property of the petitioner and there is no

encroachment as alleged in the impugned notice. It is argued by the learned counsel that since the PLC is pending consideration before the Mandal Legal Services Committee, the 2nd respondent ought not to have issued the notice under challenge.

According to the learned counsel for the petitioner, in response to the impugned notice issued under Sections 189, 192, 336, 360 and 361 of the Act, the petitioner submitted an explanation on 21.07.2017 bringing to the notice of the 2nd respondent various aspects including pendency of PLC No.16 of 2017 before the Mandal Legal Services Committee.

During the course of hearing, it is submitted by the learned Standing counsel for the 2nd respondent that since the petitioner has already submitted an explanation on 21.07.2017, the 2nd respondent will consider the same and take appropriate further action in accordance with law.

Having heard the learned counsel for the petitioner and the learned Standing counsel for the 2nd respondent, this Court deems it fit to dispose of the present writ petition, directing the 2nd respondent to consider the explanation/representation, dated 21.07.2017, said to have been submitted by the petitioner in response to the impugned notice, dated 12.07.2017, and pass final orders, after giving personal hearing to all the stake holders. Till the said exercise attains finality, no coercive action pursuant to the

impugned notice, dated 12.07.2017, shall be taken. No order as to costs.

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

A.V.SESHA SAI, J

Date: 30.08.2017
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