

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.46426 OF 2016

DATED : 04.01.2017

Between :

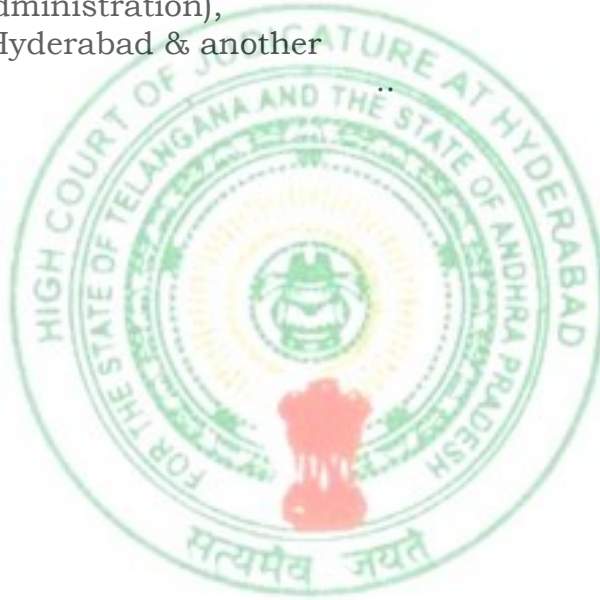
Pillalamarri Shiva Prasad S/o.Veeramallu,
Aged 36 yrs, Occu : Business,
R/o.H.No.1-6, Near Laxmi Theatre,
Mancheria, Mancheria District,
Formerly Adilabad District.

..
Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
(Municipal Administration),
Secretariat, Hyderabad & another

..
Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.46426 OF 2016****ORDER :**

Heard. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

2. This writ petition is filed challenging the order dated 29.09.2016 revoking the building permission granted to the petitioner on 11.05.2016

3. The primary contention against the said order is that it was not preceded by a show cause notice and no show cause notice was served on the petitioner. No such order could have been passed without following the due process.

4. Learned Standing counsel, produced copy of the notice dated 21.09.2016 and panchanama which was conducted on the same day. According to learned Standing counsel, there was no person available at the place, while conducting panchanama. Hence notice was pasted to the subject premises.

5. Since petitioner alleges that no notice was served on him, by giving benefit of doubt to the petitioner, petitioner is given time of three (3) weeks from the date of receipt of copy of this order, to file his explanation to the notice dated 21.09.2016. A copy of the notice dated 21.09.2016 is served on the learned counsel for the petitioner. If explanation is filed within the time granted, the Commissioner, Municipal Corporation shall consider the same and pass appropriate orders within two weeks thereafter and till then no coercive action shall be taken against the petitioner. If no explanation is filed within the time granted, the notice impugned in this writ petition stands revived. It is made clear that petitioner

shall not undertake any further construction till orders are passed as directed above. If fresh orders are passed as directed above, the notice impugned in this writ petition is deemed to have lapsed.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

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

4th January, 2017
Rds

P.NAVEEN RAO,J

