

WRIT PETITION No.37567 of 2017

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the grievance of the writ petitioner is that the second respondent- Municipal Corporation is proceeding to remove or pull down the construction alleging that it is unauthorized construction, even without considering and disposing of the explanation dated 30.10.2017 of the petitioner.

Learned counsel for the petitioner, at the hearing, submits that yesterday, a further second notice dated 03.11.2017 was issued alleging *inter alia* that no explanation was offered to the first notice dated 21.10.2017.

Learned Standing Counsel appearing for the second respondent – Corporation would submit that no coercive action would be taken pursuant to the notice dated 03.11.2017 and that the Municipal Corporation would consider and dispose of the explanation dated 30.10.2017 of the petitioner in accordance with procedure established by law before taking any further action in the matter.

Recording the submissions, the writ petition is disposed of directing the respondents to consider and dispose of the representation/ explanation dated 30.10.2017 of the petitioner in strict accordance with procedure established by law within three weeks and communicate the decision taken thereon to the petitioner thereafter. Till such exercise is completed no coercive action shall be taken in respect of the subject property of the petitioner.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 08.11.2017
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