

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34559 OF 2017

ORDER:

Heard learned counsel for the petitioner and Smt G.Jhansi, learned Standing Counsel appearing for the respondent Municipal Corporation.

2. The grievance of the petitioner in the present writ petition is the alleged attempt on the part of respondent No.2 authorities in proceeding with the demolition of the structures pursuant to the notice, dated 05.07.2017, without considering the explanation, dated 22.09.2017, said to have been submitted by the petitioner herein.

3. Respondent No.2 issued a show cause notice under Section 115 (1) of the Andhra Pradesh Capital Region Development Authority Act, 2014 read with Section 452 of the Greater Hyderabad Municipal Corporation Act, 1955 calling upon the petitioner herein to show cause as to why orders should not be passed for removal of the structures indicated therein. In response to the said show cause notice, on 22.09.2017, the petitioner herein submitted an explanation. According to the learned counsel for the petitioner, the said explanation is still pending consideration before respondent No.2. It is also submitted by the learned counsel that once the explanation is offered to the show cause notice, respondent No.2 is obligated to consider the same and to proceed in accordance with law.

4. On the other hand, it is submitted by the learned Standing Counsel appearing for respondent No.2 Municipal Corporation that if no final orders are passed till date, the said explanation submitted by the petitioner will be considered strictly in accordance with law.

5. This Court, in the facts and circumstances, deem it appropriate to dispose of the present writ petition with a direction to respondent No.2 to consider the explanation, dated 22.09.2017, said to have been submitted by the petitioner herein in response to the impugned show cause notice issued by respondent No.2 *vide* U.C.No.Nil/2016, dated 05.07.2017, and pass appropriate orders strictly in accordance with law if no final orders are passed till date and pending consideration of the said explanation, no coercive action pursuant to the impugned show cause notice shall be taken.

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

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 16.10.2017
AMD

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