

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.36499 of 2017

ORDER:

In this writ petition, the challenge is to the proceedings, dated 16.10.2017, in Lr.No.LRS/ 66/ CR-13/ WZ/ GHMC/ 2008, whereby LRS sanctioned earlier vide the proceedings in LRS/ 66/ Cr-13/ WZ/ GHMC/ 2008, dated 05.01.2010, and issued to the petitioner was cancelled and revoked and the petitioner was directed to return the original copy of the permit order and the sanctioned plan within two days. In the impugned proceedings it is also stated that on the failure of the petitioner to comply with the said directions further course of action will be initiated against the petitioner.

At the hearing, learned counsel for the petitioner would submit that when a show cause notice, dated 30.08.2017, was issued a detailed explanation, dated 06.10.2017, was submitted and that without considering the objections in the said explanation, in detail, the impugned proceedings were issued having resort to a provision, which is inapplicable.

Learned standing counsel for the respondents 1 to 3 and 5 would submit that in view of the fact that the proceedings are initiated by invoking an incorrect provision of law, the impugned proceedings may be set aside, however, reserving liberty to the authority concerned to initiate fresh proceedings, if necessary.

Recording the afore-said submissions, the Writ Petition is allowed as prayed for. However, this order shall not preclude the respondents from initiating fresh proceedings in the matter provided the facts and law permit them so to do.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

15.11.2017
Vjl