

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.41517 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“...to issue a Writ, Order or direction more particularly one in the nature of Writ of MANDAMUS., declaring the impugned notice vide Notice No.R-7/A/TPS/Cir-23/W.No.116/WZ/GHMC/2017 dt.22.11.2017 issued by the Respondent No.3 as arbitrary, illegal, unlawful, without jurisdiction and against the principles of natural justice besides violative of Article 300-A of the Constitution of India and consequently the same may be set aside in the interest of justice.”

2. Heard the submissions of learned counsel for the petitioners, and of *Sri Sampath Prabhakar Reddy*, learned Standing Counsel appearing for respondents 2 to 4. Perused the material record.

3. In this writ petition, the challenge is to the notice whereby the petitioners were asked to remove unauthorized structures. However, a perusal of the impugned notice shows that there were blanks in it, particularly as regards the width of the nala, though the width of the nala now available is mentioned as 10 M. Therefore, it is submitted that the notice is defective.

4. Learned counsel appearing for the petitioners submit that there is no violation committed by the petitioners and that there is no encroachment over the nala by the petitioners and that in that view of the matter, the notice impugned is liable to be set aside.

5. Learned Standing Counsel for respondents 2 to 4 would submit that in the event the notice impugned is set aside, liberty may be reserved to respondents 2 to 4 to issue a fresh notice and proceed with the matter in accordance with procedure established by law.

6. Recording the submissions, the writ petition is disposed of setting aside the notice impugned and reserving liberty to respondents 2 to 4 to issue a fresh notice, if necessary, and proceed with the matter in accordance with procedure established by law.

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: 11.12.2017
RAR

