

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.40393 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/D/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 and pass such other relief or reliefs as this Honourable Court may deems fit and proper in the circumstances of the case.”

2. Heard the submissions of learned counsel for the petitioner 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 petitioner was asked to remove unauthorized structures. However, a perusal of the notice impugned shows that there were blanks in it and therefore, the notice is defective.

4. In that view of the matter, learned counsel for the petitioner submits that 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: 04.12.2017
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