

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39750 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or direction more particularly Writ of Certiorari calling for the records relating to the notice issued by the Commissioner, Municipal Council, Narayanpet, the second respondent in G1/1118/2017 dt.9-11-2017 and quash the same and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *K. Ramesh Babu*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *N. Praveen Kumar*, learned Standing Counsel appearing for the 2nd respondent Municipal Council. I have perused the material record.

3. By the impugned notice, the petitioner was informed by the 2nd respondent Municipal Council that local public gave complaint and that the Sub-Collector orally instructed that the petitioner encroached the public road on the Northern side of the petitioner’s house, situated at Sathya Sai Colony, Narayanpet, and was directed to furnish ownership documents and building permission copy, if any, for the existing building within seven (07) days from the date of receipt of the notice. In the said notice, it is also stated that on failure of the petitioner, action will be initiated, in accordance with provisions of the Telangana Municipal Act, 1965. In reply to the said notice, the petitioner submitted an explanation by way of a reply legal notice,

dated 16.11.2017. Thereafter, alleging that coercive action is being taken for demolition of the structures of the petitioner, she approached this Court and filed this writ petition. On 24.11.2017, this Court granted an interim order.

4. At the hearing, learned counsel for the petitioner would submit that if the explanation is considered and an appropriate decision is taken, in strict accordance with procedure established by law, the ends of justice would be met.

5. Learned Standing Counsel appearing for the 2nd respondent endorses the said submission.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the explanation *vide* reply legal notice, dated 16.11.2017, submitted by the petitioner, within a period of two (02) weeks from the date of receipt of a copy of this order, in strict accordance with procedure established by law, after giving an opportunity of hearing to the petitioner and communicate the decision taken thereon to the petitioner within a week thereafter. Till such exercise, as directed, is completed, no coercive action against the subject property of the petitioner shall be taken by the 2nd respondent.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 5th December, 2017

Note: Issue by 07.12.2017.

(B/o.)
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