

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.4056 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Sri N. Venkateswarlu, learned Standing Counsel for respondent Nos.2 and 3, and perused the prayer in the writ petition with supporting affidavit and impugned notice of respondent No.2 with other supporting material.

2. The prayer in the writ petition reads as follows:

“.....to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned Notice No.23/2017/ACP dt.31.1.2018 issued by the 2nd respondent without conducting any sort of enquiry and without considering the explanation dt.4.12.2017 to the show cause notice dt.23.11.2017 as being illegal, arbitrary, unjust and unconstitutional and consequently set aside the same, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.”

3. It is the averment in support of the prayer in the writ petition by learned counsel for the petitioner by reiterating the same that, despite to the earlier show-cause notice of November, 2017, an explanation is issued, that is not referred in the impugned notice, dated 31.01.2018, nor considered and the other submission is that recently respondent No.2-Municipality granted provisional permission for the construction.

4. Having regard to the above, the writ petition is disposed of, for the respondents to verify if there is any deviation to the said provisional permission and issue notice specifying the said deviations with opportunity to meet and pass orders and communicate before taking up any action for demolition if required.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

8th February 2018

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