

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION Nos.6263 & 6270 of 2018

COMMON ORDER:

Heard learned counsel for the respective petitioners, learned Government Pleader for Municipal Administration for respondent No.1 and Sri N. Praveen Kumar, learned Standing Counsel for the 2nd respondent from the oral instructions and perused the respective prayers in the writ petitions with the supporting affidavits and the impugned notices issued under Sections 228, 217, 340 and 360 of the Municipalities Act (for short 'the Act').

The supporting affidavit averments are almost common in both the matters that the impugned orders are totally in ignorance of the reply to the provisional notice without referring to it and without reasons and not even considering the scope of Section 340 or 228 of the Act nor in any way in compliance with those provisions in giving the directions, thereby unsustainable.

Undisputedly, a perusal of the orders dated 14.02.2018 respectively are preceded by provisional notices dated 20.12.2017 respectively and both the petitioners submitted their reply and acknowledged on 04.01.2018 by the Municipality, which is prior to the passing of said final orders dated 14.02.2018 impugned. A perusal of the impugned orders no way refers about the giving of reply or consideration of the same nor any reasons in passing the orders touching the scope of law under Section 228 or 340 of the Act.

Having regard to the above, the impugned laconic orders are set aside by directing the 2nd respondent to pass fresh orders by referring to the explanation submitted by both the petitioners,

preferably within fifteen (15) days from the date of receipt of this order and communicate the same to the petitioners before proceeding further against the petitioners in respect of the said constructions in question.

With the above observations, both the Writ Petitions are disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 26.02.2018
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