

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.6804 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Municipal Administration for respondent No.1 and learned Standing Counsels i.e., Sri D.Ramesh for respondent Nos.2 & 3 and Sri G.Seshadri for respondent No.4 in their offer from oral instructions and perused the prayer in the writ petition with the supporting affidavit and the impugned order of the Assistant Director, CRDA dated 26.02.2018.

In fact there is provisional order/show cause notice under Section 116(1) of the Act 2014 to stop the construction by referring to the so called deviations contrary to the permission obtained as DPMS BA file No.1168/3122/B/PMLR/PRNK/2017 and the petitioner in fact submitted his response to it including by registered post dated 22.02.2018 by also explaining in this regard and the impugned order says, which is dated 26.02.2018, though there is acknowledgment of receiving the response of the petitioner personally on 23.02.2018 by the Office of the Assistant Director CRDA, as if there is no response given to the said show cause notice and had he given response they could have been considered and for no such response constrained to issue the notice under Section 115 of the Act. From perusal of the record including by acknowledgment of the receipt of the explanation on 23.02.2018, the impugned proceedings as if no response given is unsustainable and the said impugned proceedings is set aside directing the respondents to consider the explanation submitted by the petitioner and pass appropriate fresh orders preferably within four

(04) weeks from the date of receipt of this order. In the meantime, the respondents shall not take any coercive steps.

With the above observations, the Writ Petition is disposed of.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 28.02.2018
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