

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.8965 of 2018

ORDER:

Heard the learned counsel for petitioner, learned Government Pleader for Municipal Administration appearing for respondent Nos.1 and 3, Sri N.Praveen Kumar, learned Standing Counsel for 2nd respondent, Sri V.Narasimha Gowd, learned Standing Counsel appearing for 4th respondent and learned Government Pleader for Revenue appearing for 5th respondent.

2. Petitioner in this Writ Petition has assailed the proceedings dt.12-03-2018 issued by the 2nd respondent invoking Section 192 of the Telangana Municipalities Act, 1965, which directed the petitioner to remove a room and shed allegedly erected by it in the Municipal Park at Lakshmi Nagar colony of Boduppal Municipality.

3. Construing the said provisions, this Court in an order dt.16-11-2015 in **Smt.Shafiya Begum Vs. The State of Andhra Pradesh, rep. by its Principal Secretary Municipal Administration and Urban Development Dept., Hyderabad and others**¹ held that principles of natural justice have to be read into Section 192 of the A.P. Municipalities Act, 1965, the predecessor of the Telangana Municipalities Act, 1965. This legal position is not disputed by the respondents.

¹ W.P.No.37161 of 2015

4. Therefore, the 2nd respondent is directed to treat the notice dt.12-03-2018 issued to the petitioner as show cause notice to the petitioner; petitioner shall file an explanation thereto within four (04) weeks from the date of receipt of copy of the order; and then the 2nd respondent shall pass a reasoned order and communicate it to the petitioner. Till final order is passed and it is communicated to petitioner and for a period of one week thereafter, no action shall be taken adverse to the petitioner, in the event the order is adverse to the petitioner.

5. The Writ Petition is disposed of with the above directions. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 19-03-2018

vsv