

THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17701 of 2018

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondents 3 and 4 in not considering the explanation dated 07.05.2018 for building permission applications and proceeding with demolition of the constructions of the petitioners, as illegal and arbitrary, and consequently direct the respondents 3 and 4 to consider the representation of the petitioner.

2. Heard Sri P.Kiran, learned counsel for the petitioner and Ms.Pingali Lakshmi, learned Standing Counsel for the respondents 3 and 4.

3. It has been submitted by the petitioner that he is the absolute owner and possessor of Plot Nos.2, 3 and 4 (part) in Sy.No.766/ 1 of Hanamkonda Village within the limits of Warangal Municipal Corporation, Warangal City. The petitioner further submits that he has constructed a house after obtaining permission from the respondents Municipal Corporation after paying necessary charges. While the matter stood thus, the respondents had issued a show cause notice on 23.04.2018 stating that there are certain deviations and unauthorized constructions and why appropriate action should not be taken. The petitioner submitted an explanation on 28.04.2018, but the respondents without considering the explanation submitted by the petitioner, passed the orders on 05.05.2018. Immediately, the petitioner submitted a detailed representation on 07.05.2018. However, without considering the said representation, the respondents are trying to demolish the structures of the petitioner.

5. Learned Standing Counsel appearing for the respondents Municipal Corporation, on oral instructions by the respondents 3 and 4, contends that the explanation submitted by the petitioner on 28.04.2018 would be taken into account and fresh orders would be passed in accordance with law.

6. Having considered the rival submissions made by the parties, the writ petition is disposed of directing the respondents 3 and 4 to consider the explanation submitted by the petitioner on 28.04.2018 to the notice dated 23.04.2018 and pass fresh orders. The impugned orders dated 05.05.2018 are set aside as the same were passed without considering the explanation submitted by the petitioner.

7. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

May 17, 2018

KTL

