

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.17904 of 2018

ORDER:

Heard Sri G.V.S.Mehar Kumar, learned counsel for the petitioner and Sri Nimmagadda Venkateshwarlu, learned Standing Counsel appearing for the Respondent Municipality.

2. Alleging certain deviations in the constructions, the Commissioner, Sattenapalli Municipality, issued a notice bearing U.C.No.4/2018/TPS dated 9.4.2018 under Sections 115 (1)(2) and 116(1) of A.P. CRDA Act, 2014. In response to the said show cause notice, according to the petitioner, he submitted explanation on 29.3.2018 and 31.3.2018.

3. The sum and substance of the case of the petitioner, as advocated by the learned counsel for the petitioner is that without considering the explanation offered by the petitioner herein, the impugned order came to be passed by the Commissioner. A perusal of the impugned order clearly discloses that the contents of the explanation offered by the petitioner neither referred nor adverted to by the Respondent Municipality.

4. Having called for the explanation, this Court does not find any justification on the part of the Respondent Municipality in totally ignoring the explanation submitted by the petitioner herein in response to the show cause notice. In the considered opinion of this Court, the impugned order is liable to be set aside on this ground alone.

5. For the aforesaid reasons, the writ petition is allowed, setting aside the notice bearing U.C.No.4/2018/TPS dated 9.4.2018 under Sections 115 (1)(2) and 116(1) of A.P. CRDA Act, 2014. It is open for the Respondent

Municipality to pass appropriate orders afresh, in accordance with law, after considering the explanation offered by the petitioner herein. Till the said exercise attains finality, no coercive action shall be taken by the Respondent Municipality in respect of the subject property. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 21.8.2018
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