

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.18293 OF 2018

ORDER:

This writ petition is filed challenging the show cause notice dated 27.05.2018 under Sec.3(1) (c) of the A.P.Prevention of Anti-Social and Hazardous Activities Act, 1980 (*for short 'the Act'*).

Learned counsel for the petitioner submits that unless conditions specified in clauses (a), (b) and (c) of sub Section (1) of Section 3 of the Act are found, the 3rd respondent has no jurisdiction to issue show cause notice.

On the other hand learned Assistant Government Pleader for Home submits that the impugned notice is only a show cause notice, petitioner can file explanation in respect of the same and as such, no interference is required.

It is to be seen that it is not the case of the petitioner that the 3rd respondent lacks in jurisdiction under the provisions of the Act to issue show cause notice. Ordinarily, this Court will not interfere with regard to issuance of show cause notice, unless the same is issued without jurisdiction. In this case it is not the case of the petitioner that the 3rd respondent lacks in jurisdiction and no order is passed against the petitioner affecting his rights.

In view of the same and since it is stated that petitioner has already filed explanation, the 3rd respondent is obligated to

consider the same and pass orders after affording opportunity of hearing to the petitioner as envisaged under the Act.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

13.06.2018
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