

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

W.P.No.18516 of 2018

ORDER:

Heard Sri V.Venumadhava Swamy, learned counsel for petitioner, Smt.Pingle Lakshmi, learned counsel appearing for Respondents 2 to 4 and Sri M.Ajay Kumar, learned Standing Counsel for Respondent No.5.

2. A notice bearing No.UC/257/TPS/W.No.57/CIR.X/GWMC/2018 dated 23.5.2018 issued by the office of Deputy Commissioner, Kazipet Circle-II, Greater Warangal Municipal Corporation is under challenge in the present writ petition.

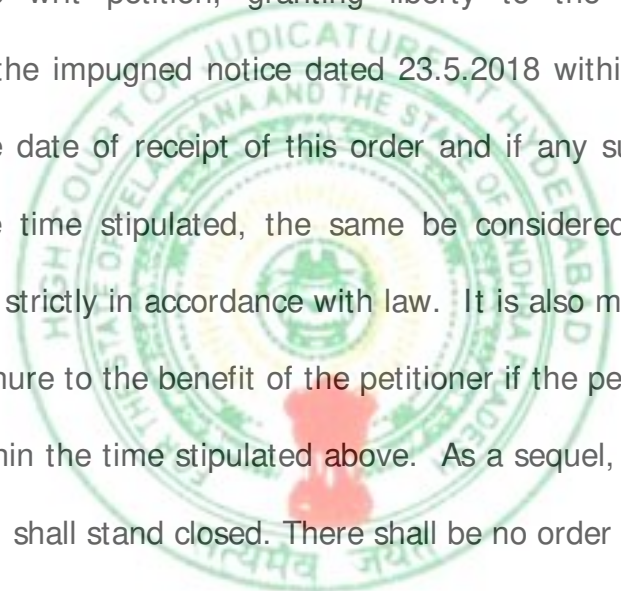
3. The petitioner claims to be the absolute owner and possessor of agriculture land in Sy.No.83/D1 of Bheemaram Gram Panchayat, Hasanparthy Mandal, Warangal District and the same stood merged in Warangal Municipal Corporation along with 42 Gram Panchayats. It is further stated that the petitioner herein purchased the said land through registered sale deed bearing Document No.3021/2007 dated 31.5.2007 from Pappula Ramesh. It is further stated that the revenue authorities mutated his name in the revenue records and issued Khata No.782. It is also stated that the petitioner made an application for permission to construct the compound wall and the Gram Panchayat granted permission vide Rc.No.185/GBP/2012 dated 9.7.2012. It is further stated that due to financial crisis, petitioner could not construct the compound wall.

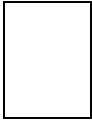
4. The Deputy Commissioner, Kazipet Circle-II, Greater Warangal Municipal Corporation-3rd respondent herein issued the impugned notice dated 23.5.2018 under Section 452(1) AND 461(1) of Hyderabad Municipal Corporation Act, calling upon the petitioner herein to show cause within a

period of seven (7) days, while alleging illegal construction. It is submitted by the learned Standing Counsel for Warangal Municipal Corporation Smt.P.Lakshmi that since the impugned notice is only a show cause notice, the petitioner herein can file explanation and if any such explanation is filed, the same will be considered and appropriate action will be taken in accordance with law. A perusal of the impugned notice clearly discloses that the 3rd respondent herein asked the petitioner to show cause within (7) days.

5. Having heard the learned counsel for the petitioner and the learned counsel appearing for the Respondents, this Court deems it appropriate to dispose of the writ petition, granting liberty to the petitioner to file explanation to the impugned notice dated 23.5.2018 within a period of two weeks from the date of receipt of this order and if any such explanation is filed within the time stipulated, the same be considered and appropriate action be taken strictly in accordance with law. It is also made clear that this order will not enure to the benefit of the petitioner if the petitioner fails to file explanation within the time stipulated above. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 5.6.2018
DA


A.V.SESHA SAI, J



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



W.P.No.18516 of 2018

5.6.2018

DA