

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

W.P.No.26683 of 2018

ORDER:

Heard the learned counsel for the petitioner and Sri S.Lakshminarayana Reddy, learned Standing Counsel for the 2nd Respondent Corporation.

2. Notice bearing No.13824/2015/ACP-III dated 17.4.2018 issued by the Commissioner, Greater Visakhapatnam Municipal Corporation under Section 452 of Hyderabad Municipal Corporation Act, 1955 read with Section 7 of the Visakhapatnam Municipal Corporation Act, 1979 is under challenge in the present writ petition.

3. In the said notice, while pointing out certain deviations of construction said to have been committed by the petitioner herein, the Municipal Corporation directed the petitioner to show cause as to why action should not be taken for removal of unauthorised structures. According to the petitioner, she submitted explanation on 14.5.2018 to the said show cause notice.

4. The grievance of the petitioner as advocated by the learned counsel for the petitioner is that without considering the explanation submitted by the petitioner, the Respondent authorities are actively contemplating to demolish the structures under the guise of impugned notice.

5. On the other hand, it is contended by the learned Standing Counsel appearing for Respondent Corporation Sri S.Lakshminarayana Reddy that the present writ petition is a premature one and there is no final order as on date under Section 636 of HMC Act.

6. Since the explanation offered by the petitioner on 14.5.2018 in response to the impugned show cause notice issued under Section 452 of HMC Act is pending consideration before the Respondent authorities, this Court deems it appropriate to dispose of the writ petition with a direction to the 2nd Respondent Municipal Corporation to consider the explanation dated 14.5.2018 submitted by the petitioner herein and pass final orders strictly in accordance with law. Till the said exercise attains finality, no coercive action shall be taken against the constructions of the petitioner herein.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 31.7.2018
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A.V.SESHA SAI, J

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31.7.2018

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