

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 16862 of 2017

Order:

The first petitioner is the welfare society registered under the Societies Act and it was formed with an object of promoting devotion, service motive to establish library etc. Since more than 70 years, a chowlttry was existing in Door No.30/2, adjacent to Tirupathamma Temple, Keesara village, Kanchikacherla Mandal, Krishna District. It was providing shelter to the common public and other several villagers near the highway. The land belongs to a Trust and the chowlttry was run by the then Tirupathamma Social Club. The chowlttry became dilapidated due to passage of time and not suitable for giving shelter or stay for common public. There was no Kalyana Mandapam available for common public in the nearby 20 villages. In view of the same, they wanted to construct Kalyana Mandapam in the place of old chowlttry by collecting donations from the general public. The construction was started about five years back by demolishing the existing chowlttry in an area of 670 sq. yards. While so, they received a notice on 29.04.2017 affixed to the construction premises stating that the construction was carried out without any permission from the second respondent and there was no reply to the earlier show cause notice dated 03.04.2017. The petitioner was asked to demolish the structures already constructed within fifteen (15) days, failing which to take appropriate action for demolition of the structures. Challenging the same, the present Writ Petition was filed.

This Court, by order dated 11.05.2017, granted interim stay for a period of two weeks and it was extended from time to time till 26.01.2018.

Learned counsel for the petitioners submits that no notice was issued to the petitioners before passing the impugned order dated 22.04.2017 and in fact all the villagers submitted a representation to the second respondent on 04.05.2017 not to take any action for demolition of the Hall which was constructed with the funds of the villagers. But, this Court cannot go into the merits of the case, since it was alleged by the second respondent that a prior notice was already issued and when there was no reply the impugned order was passed.

Be that as it may, in view of the allegation of the petitioners that the earlier notice was not served, the impugned order dated 22.04.2017 can be treated as a show cause notice and the petitioners are given liberty to submit their explanation, in addition to the representation already submitted on 04.05.2017, within a period of fifteen (15) days from the date of receipt of a copy of this order and after considering the said explanation, if any submitted by the petitioners, the second respondent shall pass a final order before taking further steps in accordance with law. If the petitioners fail to submit any explanation within the time as aforesaid, it is open to the second respondent to take necessary action in accordance with law. It is needless to observe that no steps for demolition of the structures shall be taken till final orders are passed by the second respondent.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 16.04.2018
Nsr