

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

Writ Petition No.29698 of 2018

ORDER:

Heard learned Counsel for the petitioner and Sri S.D.Gowd, learned Standing Counsel for respondent-Municipal Corporation.

A notice, bearing Online B.A.No.1012/0497/B/8TK/K/17, dated 18.08.2018, issued under Section 452 (1) and (2) of the H.M.C.Act, 1955, is under challenge in the present Writ Petition.

According to the learned Counsel for the petitioner, the impugned show cause is highly illegal, arbitrary and opposed to the very spirit and object of the provisions of H.M.C.Act, 1955. It is further submitted by the learned Counsel that though time is given for the petitioner for submitting explanation, the respondents are attempting to demolish the structures.

On the other hand, learned Standing Counsel submits that since the impugned notice is only a show cause notice, without submitting any explanation to the same, the petitioner herein has directly approached this Court under Article 226 of the Constitution of India and therefore the Writ Petition is not maintainable.

Having heard the learned Counsel for the petitioner and the learned Standing Counsel, as the impugned notice is only a show cause notice, this Court deems it appropriate to dispose of the Writ Petition, keeping it open for the petitioner herein to file appropriate explanation within a period of two weeks and if any such explanation is submitted by the petitioner herein, within the time stipulated, the same be considered and appropriate Orders

be passed, strictly in accordance with law. Till the said exercise attains finality, there shall be *status quo* with regard to the subject constructions.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed. No order as to costs.

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JUSTICE A.V.SESHA SAI

Date:21.08.2018

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