

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.30113 of 2018

ORDER:-

Heard learned Counsel appearing for the petitioner and Sri N.Praveen Kumar, learned Standing Counsel for the respondent-Municipality.

In the present Writ Petition challenge is to the notice bearing No.G1/00015/2018, dated 18.08.2018, of the Commissioner, Nalgonda Municipality, Nalgonda, canceling the NOC, issued earlier in favour of the petitioner, for installation of M/s.Shanta Sri Ram Rice Mill in Sy.No.271 at Keshrajpally (Kothaguda), Nalgonda. Earlier, by way of the letter Roc.No.G1/00015/2018, dated 27.07.2018, the respondent-Municipality issued NOC in favour of the petitioner herein.

The principal contention advanced by the learned Counsel for the petitioner in the present Writ Petition is that without being preceded by any show cause notice, the impugned cancellation order came to be passed and the same is violative of principles of natural justice.

On the other hand, it is submitted by the learned Standing Counsel that without obtaining any permission for building construction, the petitioner herein is proceeding with the construction.

On the other hand, it is submitted by the learned Counsel for the petitioner that permission has already been granted.

A perusal of the impugned order clearly discloses that no prior notice was issued by the respondent-Municipality before

resorting to the impugned action and in the considered opinion of this Court, as rightly pointed out by the learned Counsel for the petitioner, the impugned action is totally in violation of principles of natural justice and on the said ground alone, the Writ Petition is liable to be allowed.

Accordingly, the Writ Petition is allowed, setting aside the notice bearing No.G1/00015/2018, dated 18.08.2018. However, it is open for the respondent-Municipality to issue a notice and to proceed in accordance with law, if the circumstances so warrant.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

Date: 24.08.2018
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A.V.Sesha Sai, J