

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

W.P.No.33937 of 2018

ORDER:

Heard the learned counsel for the petitioner and Sri Md.Saleem, learned Standing Counsel for the respondent Municipality.

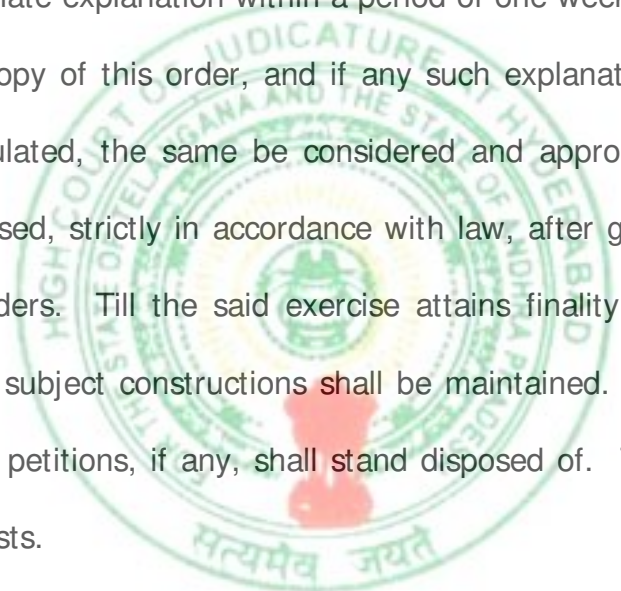
2. A notice bearing No.9/2018.TPBO, dated 11.09.2018, issued by the Commissioner, Kavali Municipality-Second Respondent herein under Sections 189, 192 and 361 of A.P. Municipalities Act, 1965 is under challenge in the present writ petition.

3. Earlier, the unofficial respondent herein filed W.P.No.26165 of 2018 before this Court complaining against the alleged encroachments said to have been made by the petitioner herein. This Court, disposed of the said writ petition by way of an order dated 24.08.2018, leaving it open for the petitioner therein to submit appropriate representation to the respondent Municipality within a period of two weeks from the date of receipt of a copy of the order and with a further direction to the respondent Municipality to take action strictly in accordance with law, after giving notice to all the stake holders. Obviously, pursuant to the said order passed by this Court and while referring to the same, the Commissioner of the second respondent Municipality issued the impugned notice.

4. According to the learned counsel for the petitioner, the impugned action is highly illegal, arbitrary and violative of the principles of natural justice and in deviation of the provisions of the A.P. Municipalities Act, 1965. It is further submitted in elaboration by the learned counsel that without being preceded by any show-cause notice, the impugned notice came to be issued by the second respondent.

5. On the other hand, it is submitted by the learned Standing Counsel for the respondent Municipality, on instructions, that the impugned notice dated 11.09.2018 can be directed to be treated as a show-cause notice and opportunity may be given to the petitioner herein to submit an explanation and the respondent authorities may be permitted to proceed thereafter, strictly in accordance with law.

6. Recording the said submission, the writ petition is disposed of, directing the impugned notice bearing No.7/2018.TPBO, dated 11.09.2018, to be treated as a show-cause notice and the petitioner herein is at liberty to file appropriate explanation within a period of one week from the date of receipt of a copy of this order, and if any such explanation is filed within the time stipulated, the same be considered and appropriate action/final orders be passed, strictly in accordance with law, after giving notice to all the stake holders. Till the said exercise attains finality, *status quo* with regard to the subject constructions shall be maintained. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:19.09.2018
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.33937 of 2018

Dated: 19.09.2018

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