

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

WRIT PETITION NO.4640 OF 2017

ORDER:

Heard the learned counsel for the petitioner, Sri D.Ramesh, learned Standing Counsel for respondents 2 and 5 and Sri G.Seshadri for respondent No.4.

In the present Writ Petition, challenge is to the order issued by the 5th respondent under section 115 (3) of the Andhra Pradesh Capital Region Development Authority Act, 2014.

The petitioner herein claims to be the absolute owner and possessor of two Residential Plots admeasuring 387 sq.yards situated in Survey No.45/B3, Undavalli village, Tadepalli Mandal, Guntur district having purchased the same by way of registered sale deed bearing document No.2394 dated 26.2.2007. The 5th respondent, Zonal Deputy Director of the Andhra Pradesh Capital Region Development Authority, Vijayawads, Krishna district, issued the impugned notice confirming the show cause notice dated 3.10.2016. This Writ Petition challenges the validity and legal sustainability of the said order passed by the 5th respondent.

The principal contention advanced by the learned counsel for the petitioner in the present Writ Petition is that the 5th

respondent herein passed the impugned order without serving the show cause notice dated 3.10.2016.

It is the further submission of the learned counsel for the petitioner that the impugned action is in total violation of the principles of natural justice.

No counter affidavit is filed denying the averments of the affidavit filed in support of the writ petition.

In fact, while granting time on 10.2.2017, this Court directed the respondents not to take coercive action pursuant to the impugned order and subsequently, this Court extended the said order on two occasions, i.e., on 17.2.2017 and on 27.2.2017.

Since it is the case of the petitioner that he has not been given opportunity for filing a reply by service of any show cause notice, this Court deems it proper to direct the impugned notice to be treated as a show cause notice and to permit the petitioner herein to submit an explanation for the same by giving some time, in the facts and circumstances of the case.

For the aforesaid reasons, Writ Petition is disposed of by directing to treat the impugned order dated 24.1.2017 as show cause notice under section 115 (1) of the Andhra Pradesh Capital Region Development Authority Act, 2014 and the petitioner herein is permitted to submit explanation for the

same within a period of two weeks from the date of receipt of a copy of this order and if any such explanation is filed within the time stipulated above, the same be considered and appropriate orders be passed strictly in accordance with law by giving an opportunity to the petitioner herein. Till the said exercise attains finality, the interim order dated 10.2.2017 granted by this Court shall continue to operate.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

Date: 2.1.2018

KPM

