

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39138 of 2018

ORDER:

- 1) Heard.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in issuing notice ROC No.253/41/2018, dated 28.06.2018, as illegal and arbitrary.
- 3) It is to be noted that on 28.06.2018, encroachment notice came to be issued by the Municipal Commissioner – respondent No.2, to the petitioners, asking them to submit copies of approved layout with regard to the constructions made by the petitioners and the permission obtained, within a period of seven days from the date of receipt of the said notice, failing which constructions made on the encroached portion would be removed and demolished as per the provisions of Section 192(1)(2) of the Andhra Pradesh Municipalities Act, 1965.
- 4) Today, when the matter is taken up for hearing, learned counsel for the petitioners placed on record the reply letter dated 04.07.2018, said to have been submitted stating that the constructions were made as per the approved plan and that they are enclosing copies of approval.

5) But however, learned Standing Counsel for Municipality, on instructions, states that no such explanation is received in the office of the respondents.

6) Having regard to the above, the petitioners shall submit the explanation along with all the necessary documents afresh, within a period of three (03) days from today, in which event, the authorities concerned shall deal with the same, in accordance with law, after hearing all the concerned. Till such time, *status-quo* as on today to be maintained. It is made clear that if no explanation is submitted within three days the authorities are at liberty to take action basing on the earlier encroachment/impugned notice.

7) With the above direction, the writ petition is disposed of.

8) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

31.10.2018

vhb