

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39226 of 2018

ORDER:

1) Heard Sri C.Subodh, learned counsel for the petitioner and Sri N.Praveen Kumar, Standing Counsel for the second respondent. With the consent of both the parties, the writ petition is heard at the admission stage itself.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the second respondent in issuing impugned order vide U.C.R.No.1/ 2018-19, dated 19.10.2018 under Section 228 (1) of the Andhra Pradesh Municipalities Act, 1965, as illegal, arbitrary and against to the principles of natural justice.

3) A perusal of the impugned order dated 19.10.2018 would show that pursuant to the order passed by this Court in W.P.No.30314 of 2018, dated 24.09.2018, the authorities issued the impugned order informing the petitioner that if the constructions are not stopped, the building would be demolished within seven days from the date of receipt of the notice. The grievance of the petitioner appears to be that without issuing a notice, the impugned proceedings came to be issued ordering demolition of the structures raised in the said premises.

4) The learned Standing Counsel for the second respondent would submit that the authorities would follow due process of law before taking any steps for demolition.

5) Having regard to the above, the impugned order is set aside. As the grievance of the petitioner is that no notice was given to him, treating the impugned order, dated 19.10.2018 as show-cause notice, the petitioner is directed to submit his explanation within four days from today, in which event, the authorities concerned shall pass orders in accordance with law, after hearing all concerned, at the earliest.

6) With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

01.11.2018
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