

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.41115 of 2018

ORDER:

This writ petition is filed challenging the notice dated 05-11-2018, wherein and whereby the petitioner was directed to dismantle the compound wall and culvert within three days, failing which action would be initiated.

Sri D.Prakash Reddy, learned Senior Counsel appearing for the petitioner submits that without any prior notice, straightaway the impugned notice is issued for removing the compound wall and culvert of petitioner's power plant. The petitioner also submitted explanation in pursuance to the said notice, but without considering the same the respondents are trying to take coercive steps against the petitioner. Learned Senior Counsel also submits that the compound wall is constructed for protecting the power generating unit and also for protecting plants and animals and to prevent accidents and other aspects.

Learned Assistant Government Pleader for Revenue submits that notice can be treated as show-cause notice and the petitioner can as well place the material before the 2nd respondent.

Heard learned Assistant Government Pleader for the 3rd respondent.

In view of the facts and circumstances of the case, the notice dated 05-11-2018 can be treated as show-cause notice. Since it is stated that the petitioner has already submitted

explanation, it is open for the petitioner to file necessary documents and the 2nd respondent is directed to furnish copies of documents relied on while issuing the impugned notice enabling the petitioner to give further explanation.

In view of the same, this writ petition is disposed of directing the 2nd respondent to issue copies of documents relied on while issuing notice within a period of two weeks from today. On furnishing the said documents, it is open for the petitioner to give explanation within two weeks thereafter and after explanation is filed, the 2nd respondent is directed to consider the same and pass orders after affording opportunity of hearing to the petitioner. Till then, no coercive steps shall be taken against the petitioner. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

15-11-2018

Note:

Issue CC in two days.

B/o.

Nvl



