

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.45308 of 2018

ORDER:

Challenging the Emergency Notice, dated 08.11.2018, issued by the 4th respondent, the present Writ Petition is filed.

It is the case of the petitioner that she was not issued prior notice calling for explanation alleging that the tenement is constructed in stilt area in violation of the sanctioned plan. The tenant is in existence. It is the case of the petitioner that she purchased the said tenement and also let it out to the third parties. At the instance of the 5th respondent, the impugned notice has been issued with a *malafide* intention.

Sri K.K. Durga Prasad, learned standing counsel for the 4th respondent, submits that the action is being proposed to be taken as there was a complaint received from the 5th respondent. However, as the impugned notice does not appear to have preceded with notice, they would strictly follow the procedure prescribed in law and the Writ Petition may be disposed of with a direction to the parties to strictly follow the procedure prescribed in law.

Having regard to the respective submissions and considering the allegation of the petitioner that no notice has been issued to her and even a perusal of the impugned notice dated 08.11.2018 does not mention any notice having been issued to the petitioner and as the petitioner's property rights are involved and also considering the nature of the complaint, the petitioner shall submit her explanation to the impugned notice, treating the impugned notice as a notice and submit her explanation within a period of four weeks from today and within four weeks thereafter, the 4th respondent shall consider the same, in accordance with law, and

pass appropriate orders. It is also made clear that the petitioner shall be given an opportunity of hearing before passing order.

Subject to the above, the Writ Petition is disposed of. Till such time, as the explanation submitted by the petitioner is considered and orders are made, no coercive steps shall be taken against the petitioner's property. No costs.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 14.12.2018

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