

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 225 of 2019

ORDER:

In this writ petition, petitioner questions the final notice, dated 24.12.2018, issued by respondent No.2, pursuant to the issuance of show cause notice, dated 05.12.2018, under Sections 228(1) and 217(1) of the Telangana Municipal Corporation Act, 1965, directing the petitioner to remove the unauthorised constructions alleged to have been made by him without obtaining any permission.

The petitioner asserts that the permission was granted by the Municipality on 30.12.2002 for making constructions. He further asserts that pursuant to the aforesaid show cause notice, he submitted his explanation on 22.12.2018 and the impugned notice was issued without reference to the said explanation and respondent No.2 merely stating that the explanation is not accepted directed the petitioner to remove the alleged unauthorised constructions.

Heard learned counsel for the petitioner and learned Standing Counsel for respondent No.2.

A perusal of the impugned notice does not indicate any consideration of the explanation submitted by the petitioner on 22.12.2018, enclosing the registered sale deed, dated 26.12.2001, though there is an endorsement made by the Office of Nirmal Municipality with regard to receipt thereof. However, in reference No.6 of the impugned notice, the application of one

Sri Rahaman S/o.Abdul Razak has been referred to. In this connection, learned counsel for the petitioner submits that the petitioner is the son of Sarvar but not Abdul Razak.

In those circumstances, the writ petition is allowed by setting aside the impugned notice. There shall be a direction to respondent No.2 to pass appropriate orders after considering the explanation submitted by the petitioner and proceed further in accordance with law.

Miscellaneous petitions, if any pending, in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:04.01.2019

kdl

CHALLA KODANDA RAM, J

