

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4724 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for the 1st respondent and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the 2nd and 3rd respondents.

2. This writ petition is filed challenging the notice dated 18.02.2019 and consequent notice dated 27.02.2019 issued by the 3rd respondent.

3. Petitioner asserts that she is the owner and possessor of the plots bearing No.25 in Sy.Nos.46, 51/2 situated at Ramanthapur, Uppal, Ranga Reddy District and she has constructed kacha houses therein. While so, respondents 4 and 5 have filed W.P.No.4716 of 2018 challenging the action of the 3rd respondent in not taking action against the illegal and unauthorized constructions made in the said survey numbers. In the said writ petition, this Court, by order dated 09.02.2018, directed respondents 2 and 3 therein to visit the said survey numbers, take necessary steps and submit written instructions with regard to the unauthorized constructions, particularly, blocking the source of irrevocable water to the field of the petitioners therein i.e., respondents 4 and 5. As the said order has not been complied with, respondents 4 and 5 filed contempt case. Petitioner further asserts that on account of the orders of this Court in W.P.No.4716 of 2018 and also filing of the contempt case,

the 3rd respondent, without taking appropriate steps, issued the impugned notice to the petitioner for removal of the constructions.

4. Learned counsel for the petitioner would submit that pursuant to the impugned notice, the petitioner has filed explanation on 26.02.2019 before the 3rd respondent, however, apprehending that the respondents may not consider her explanation on account of the orders of this Court in W.P.No.4716 of 2018, petitioner filed the present writ petition.

5. Having regard to the submission of the learned counsel for the petitioner that the petitioner has submitted her explanation on 26.02.2019 in response to the impugned notice, the respondents are directed to consider the said explanation before passing any orders, particularly, keeping in view the direction issued by this Court in W.P.No.4716 of 2018 dated 09.02.2018, and if any classification is to be done, respondents shall give notice to the petitioner as well as respondents 4 and 5. Till such exercise is completed, no coercive steps shall be taken against the petitioner. Further, the petitioners in the contempt case may place the order of this Court to consider the contempt proceedings. Learned Standing Counsel shall inform the 3rd respondent with respect to the orders of this Court.

6. With the above direction, the Writ Petition is disposed of. No order as to costs.

7. Miscellaneous applications, if any pending in this writ petition, shall also stand closed. No costs.

CHALLA KODANDA RAM, J8th March, 2019

sj

