

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9159 OF 2019

ORDER:

This is a case where the petitioner alleges that the order made on 12.04.2019 is without issuing notice to him and without considering the objections raised by him on earlier occasion.

It is the case of the petitioner that this Court while disposing of W.P.No.6207 of 2019, which was filed by respondent Nos.3 and 4, without expressing any opinion on merits, directed the respondents to take action, pursuant to the notice issued in the year 2018, in accordance with law. In response to the show cause notice on 31.12.2018, the petitioner had already removed the alleged deviations and thereby, as a matter of fact, complied with the notice issued. In spite of the same, notice dated 12.04.2019, is issued and with respect to the same, the petitioner had submitted explanation on 17.04.2019, received by the respondent on 18.04.2019. The petitioner submits that the said explanation may be considered before taking any coercive action contending that deviations are only deviations and they do not effect the public interest. Learned counsel also asserts that in terms of full Bench Judgment of this Court in *3 ACES Vs MUNICIPAL CORPORATION OF HYDERABAD*¹, if there are minor

¹ 1994 (3) ALT 73

variations, respondent authorities are competent to condone the same by levying suitable compounding fees.

Learned Standing Counsel submits that the representation dated 17.04.2019, shall be considered and necessary orders would be passed by the authorities, at the earliest.

Having regard to the respective submissions and as action taken is only pursuant to the orders passed by this Court while disposing the Writ Petition filed by the respondents, in admission stage, the petitioner can be given a chance by directing the second respondent to consider his representation submitted on 17.04.2019. Till such time, as the said representation is to be considered and necessary orders are to be passed, respondents shall not take any coercive steps with respect to the constructions made, pursuant to the notice dated 12.04.2019.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending in the Writ Petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

26.04.2019.

Note:

Issue CC in three days.

B/o.

vhb