

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17209 of 2019

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for Narsapur Municipal Council appearing for the third respondent.

In this case, the petitioner challenged final notice dated 31.07.2019 issued by the third respondent – Municipal Commissioner, Municipal Council, Narsapur, Medak District, directing him to submit documents in support of ownership and permission within three (3) days from the date of receipt thereof. The impugned notice is issued pursuant to the order of this Court in writ petition No.7108 of 2019 dated 16.04.2019.

A perusal of order dated 16.04.2019 discloses that the said writ petition came to be filed by one Satyanarayana, Son of late Chinna Mallaiah, Resident of house bearing No.15-46, Shivalayam Street, Narsapur Town, Medak District, alleging that the petitioner was making construction by occupying the public road. However, in the impugned notice, there is no allegation mentioned that the petitioner was making construction by occupying the public road. What all has been mentioned in it is that on account of the orders of this Court in writ petition No.7108 of 2019 dated 16.04.2019, the same is issued directing

the petitioner to produce the ownership documents as well as the copy of permission granted for construction.

It is the assertion of the petitioner that on 06.08.2019, he submitted the copy of permission granted in his favour on 06.06.2018 along with the plan for construction. It is also the assertion of the petitioner that he had paid the house tax. There is no dispute with respect to these aspects. It is to be noted that inasmuch as the petitioner has already been granted permission for construction, the respondent authorities would not take coercive action without considering the explanation submitted by him along with the copy of permission, as, primarily, the allegation levelled against the petitioner is only that he is making construction without permission.

In those circumstances, the writ petition is disposed of directing that no coercive action shall be taken by the respondent authorities against the petitioner without considering the explanation submitted by him along with the copy of permission, in response to the impugned notice.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

13th AUGUST, 2019.

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