

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.17915 OF 2019

Date:21.08.2019

Between:

O. Yakaiah, S/o. Sailu,
Aged about 42 years, Occ: Business,
R/o.H.No.2-123/1, Madikonda,
Hanamkonda, Warangal

.. Petitioner

And

The State of Telangana, rep., by its
Secretary, (Municipal Administration and
Urban Development), Secretariat,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.17915 OF 2019****ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Ms. P. Laxmi, learned Standing Counsel for Warangal Municipal Corporation.

2. Petitioner is aggrieved by the proceedings dated 24.07.2019 issued by the 2nd respondent directing him to remit an amount of Rs.77,21,729/- on the allegation that while executing the road work entrusted to him, false amounts were claimed. The said amount was quantified apparently by Vigilance and Enforcement Department. According to petitioner, he was not put on notice and he was not subjected to enquiry by the Vigilance and Enforcement Department. Moreover, the report of the Vigilance and Enforcement Department is not furnished to the petitioner and straight away the proceedings impugned in the Writ Petition were issued to remit the amount.

3. Learned Standing Counsel placed on record the written instructions.

4. Since the terms of contract are vague and do not contain any specific clause for redressal and the proceedings are directly issued directing the petitioner to pay a huge amount on the allegation of fraudulent claims, principles of natural justice require prior opportunity and notice to the petitioner.

5. Therefore, the proceedings dated 24.07.2019 are directed to be treated as notice and petitioner is granted two weeks time to file his explanation explaining his stand. On due consideration of the explanation offered by the petitioner, if necessary after affording personal hearing, the Commissioner shall pass appropriate orders as warranted by law within a period of two weeks from the date of receipt of a copy of this order. Till a decision is made and communicated to the petitioner, no coercive action shall be taken against the petitioner pursuant to the impugned proceedings.

6. The Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

Date:21.08.2019

KH

P. NAVEEN RAO, J

