

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18377 of 2019

ORDER:

The order dated 14.08.2019 issued by the 2nd respondent-Municipality under Section 184 read with Section 360 of the Telangana Municipalities Act, 1965, is challenged before this Court. *Vide* impugned notice, the 2nd respondent alleged the petitioner of preparing a layout in Survey No.820, 215 without obtaining permission, and therefore directed him to remove the laid gravel roads and stones from the alleged illegal layout, within three days from the date of receipt of notice.

It is the submission of the petitioner that no prior notice was issued and no enquiry was conducted before issuing the present notice. It is the assertion of the petitioner that the erstwhile Gram Panchayat had granted permission to him as far back as 30.05.2007 to lay the layout.

In those circumstances, learned Standing Counsel submits that liberty may be given to the respondents to enquire into and pass appropriate orders in accordance with law.

Having regard to the submissions made, admittedly, as the impugned order does not indicate any enquiry having been conducted prior to passing the impugned order, the impugned notice is set aside, however, leaving it open to the respondent authorities to follow due procedure prescribed under law, before taking action with respect to the petitioner's layout.

Subject to the above, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHALLA KODANDA RAM

26th August, 2019

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