

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18778 of 2019

ORDER:

The petitioner is aggrieved of the action of 1<sup>st</sup> respondent-Commissioner in issuing Notice dated 23.08.2019, under Section 402 of HMC Act, 1955, directing him to remove encroachment that he caused by erecting a small shutter at 10-1-40, Pipeline Road, within a period of 24 hours., on the ground that the encroachment causing traffic congestion and also inconvenience to pedestrians.

Heard the learned counsel for the petitioner, and the learned Standing Counsel for GHMC.

Given the narrow compass in which the grievance lies, the writ petition can be disposed of by giving liberty to the petitioner to treat the impugned notice issued alleging encroachment of road margin as a Show Cause notice, and submit his explanation along with annexing the permission, if any, to carry out business in the alleged encroachment, within one week from the date of receipt of this order. Upon furnishing such explanation, the respondent authorities shall consider the same and pass final orders thereon, in accordance with law; and till such time final orders are passed, action contemplated under the impugned Notice dated 23.08.2019 shall be kept in abeyance.

The writ petition is, accordingly, disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

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CHALLA KODANDA RAM, J

28<sup>th</sup> August, 2019

KSM

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