

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.141 OF 2020

ORDER:

Heard the learned counsel for the petitioners as well as the learned standing counsel appearing for the second respondent Corporation.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit, the petitioners herein prays that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd respondent in directly passing the eviction orders vide No. 585/EO/E3/GHMC/2019/2730 dated 05.11.2019 U/sec 5(1) of the AP Public Premises (Eviction of Unauthorised Occupants) Act, 1968 without issuing a show cause notice as mandated U/Sec 4 of the Act thereby threatening to evict the petitioners in the property admeasuring 255 Sq Yards bearing H.No.1-3-1026/1/A, Singadikunta, Kavadi guda, Hyderabad pending the petitioner application for regularization under land less pooras being illegal, arbitrary, unconstitutional and against the principles of natural justice apart from being in violation of the provisions of the AP Public Premises (Eviction of Unauthorised Occupants) Act, 1968 and also GOMs No.59 dated 30.12.2014 and consequently set aside the said notice directing the respondents not to interfere with the petitioners right and possession in the said property and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

3. Learned counsel appearing for the petitioners emphasized that the show cause notice bearing No.585/EO/E3/GHMC/2019 dated 05.09.2019 is not served on the petitioners. On the other hand, the impugned demand notice is also issued on the same day i.e., 05.09.2019.

4. *Per contra*, learned standing counsel appearing for the second respondent Corporation placed on record a xerox copy of the show cause notice dated 05.09.2019.

5. From the perusal of the said show cause notice, it indicates that the husband of the first petitioner received the said show cause notice on

18.11.2019 and there are other endorsements with regard to receipt of the said notice. In the light of the above said evidence placed on record, the submission of the learned counsel for the petitioners that the show cause notice is not served on the petitioners, cannot be countenanced.

6. Learned standing counsel appearing for the second respondent Corporation submits that since the show cause notices have already been served on the petitioners, they may be directed to submit an explanation, upon which appropriate orders can be passed.

7. Having heard both the learned counsel and from the perusal of the material on record, particularly with regard to the receipt of the show cause notices, the petitioners are directed to submit an explanation in reply to the show cause notice dated 05.09.2019 within a period of two weeks from the date of receipt of a copy of the order. Upon such receipt, the third respondent is directed to consider the explanation and pass appropriate orders as per law within a period of three weeks thereafter. Till the orders are passed, respondents 2 to 4 are directed not to take any coercive steps.

8. With the above direction, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE P.KESHA RAO

Date: 11.02.2020

PGS