

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.2607 OF 2020

O R D E R

Vide notice No.B/1271/2019 dated 13.01.2020, the 6th respondent directed the petitioner to remove the structure/encroachment within the FTL/Buffer of the Chinna Cheruvu. Assailing the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the court of VIII Additional Senior Civil Judge, R.R. District at L.B.Nagar, granted *status quo* in I.A.No.1268 of 2019 in O.S.No.2724 of 2019, and when the said interim order is subsisting in respect of the subject land, 6th respondent issued the impugned notice straightaway directing the petitioner to remove the structures alleging that they are in FTL/Buffer zone of the Chinna Cheruru. He submits that the action of the 6th respondent is illegal and arbitrary. He further submits that petitioner filed detailed explanations on 27.01.2020 on 30.01.2020, and without considering the same, the 6th respondent is taking coercive steps for demolishing the structures, and the same is in violation of the principles of natural justice.

Learned Assistant Government Pleader for Revenue, appearing for respondents 1,5 and 6 submits that the structures of the petitioner are in buffer zone of Chinna Cheruvu, and hence they are liable to be removed and hence no exception can be taken to the impugned notice.

Heard the learned Assistant Government Pleader for Irrigation and Command Area Development, for respondents 2 and 3, Sri Y.Rama Rao, learned Standing Counsel for respondent No.4 – HMDA and Sri N.Praveen Kumar, learned Standing Counsel for 7th respondent – Municipality.

A reading of the impugned notice goes to show that straight away the structures were directed to be removed on the ground that they are in buffer zone of Chinna Cheruvu (Tank) and no prior notice has been issued to the petitioner.

This is in violation of principles of natural justice. Further the case of the petitioner is that he filed detailed explanations on 27.01.2020 and 30.01.2020.

In view of the same, without expressing any opinion on merits, writ petition is disposed of directing the 6th respondent to consider the explanations stated to have been filed by the petitioner on 27.01.2020 and 30.01.2020, and after affording opportunity of hearing to the petitioner, shall pass orders in accordance with law, and take action accordingly, within a period of four weeks from the date of receipt of a copy of this order.

Till then, no coercive steps shall be taken, and the petitioner also shall not make any further constructions.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:10—02—2020

AVS

