

THE HON'BLE DR.JUSTICE K. MANMADHA RAO

Writ Petition No.18175 of 2023

ORDER:-

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

"....to issue a Writ, Direction, Order or Orders more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.2 in issuing the impugned Notice dated 17.07.2023 as illegal, arbitrary, without any authority of law, contrary to law, without any provision of law, violative of Article 14, 21 and 300-A of the Constitution of India and violation of principles of natural justice and contrary to orders of the Hon'ble High Court passed in W.P.No.4595/2023, dated 24.02.2023 and consequently set aside the impugned Notice dated 17.07.2023 issued by the 2nd respondent."

2. Heard Mr.P.Sree Ramulu Naidu, learned counsel for the petitioner, learned Government Pleader for MA & UD, appearing for the Respondent No.1 and Mr.N.Ranga Reddy, learned Standing Counsel, appearing for the Respondent No.2. Perused the material on record.

3. Learned counsel for the petitioner submits that, the petitioner is the owner of house bearing D.No.4/319, Bangla Street, Rajampet, Annamayya District. He had purchased the said property from one Late Jaya Rama Raju in the year 1990. Since then he has been residing in the said house. While so, the 3rd

respondent herein filed W.P.No.4595 of 2023 seeking Writ of Mandamus declaring the inaction of the Respondent No.2, pursuant to the representation dated 11.02.2023. The said writ petition was disposed of on 24.02.2023 directing the 2nd respondent to consider the said representation and inquire into the matter after issuing notice to the respondent No.3 therein, who would be an affected party. Learned counsel for the petitioner further submits that, while the matter stood thus, the 2nd respondent, without following the directions issued by this Court in the above said Writ Petition and without issuing any notice to the petitioner or enquire into the matter, straight away issued the impugned notice dated 17.07.2023 for demolition of the iron sheet structure. Aggrieved, the petitioner filed the present writ petition.

4. On the other hand, the learned Standing Counsel, appearing for the Respondent No.2, would submit that the respondent authorities would follow due process of law.

5. On hearing the submissions of both the learned Counsels and after perusing the material available on record, this Court is of the view that the 2nd respondent-Municipality has not followed the principles of natural justice, therefore, on this ground alone,

the impugned notice dated 17.07.2023 issued by the 2nd respondent is set-aside. Further, the Respondent Nos.1 and 2 are directed to consider the representation dated 14.07.2023 of the petitioner and pass reasoned order in accordance with law, within a period of (06) six weeks from the date of receipt of the order. The respondent Nos.1 and 2 are further directed to strictly implement the Order dated 24.02.2023 passed by this Court in W.P.No.4595 of 2023.

6. Accordingly, the Writ Petition is disposed of at the admission stage. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Dr. K. MANMADHA RAO, J

Date: 21.07.2023

Note: Issue CC by 24.07.2023.
(B.O)
HS

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W.P.No.18175 of 2023

Date: 21.07.2023

HS