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HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.17193 OF 2007

Between:

Jagadish Vaishnav

...Petitioner

AND

The Commissioner,
Rajahmundry Municipal Corporation,
Rajahmundry, EG District and another

...Respondents

: O R D E R :

Counsel for the petitioner : Shri V.S.N. Sarma

Counsel for respondent No.1 : Shri A. Vishnu Vardhan Reddy

August 31, 2007

Per G.S.SINGHVI, CJ

This is a petition for quashing notice dated 4-8-2007 issued by Commissioner, Rajahmundry Municipal Corporation under Section 456 of the Hyderabad Municipal Corporation Act, 1955 to the petitioner requiring him to remove the so-called dilapidated structure in premises bearing Door No. 8-24-74 (correct No.8-24-72).

We have heard learned counsel for the parties and perused the record.

The petitioner has come up with the complaint that the impugned notice was issued without giving him opportunity of hearing and without undertaking inspection of the site. Learned counsel for Rajahmundry Municipal Corporation fairly admits that before issuing the impugned direction, no show cause notice was given to the petitioner.

In view of the above, the writ petition is disposed of in the following terms:

- i) Within four weeks from today, respondent No.1 shall, after intimating the particular date to the petitioner, give him an opportunity of hearing, consider his representation and pass a speaking order on the issue of demolition of the property in question.
- ii) If the petitioner feels aggrieved by the order to be passed hereinafter, then he shall be free to avail appropriate legal remedy.

As a sequel to disposal of the writ petition, WPMP No. 21994 of 2007 filed by the petitioner for interim relief is disposed of as

infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

August 31, 2007

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