

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 13795 OF 2012

Between:

Smt. C.Deva Vara Laxmi David. ...Petitioner

And

The Greater Hyderabad Municipal Corporation

Rep. by its Commissioner, Tank Bund, Hyderabad

and others. ..Respondents

Date of Judgment pronounced: 11.08.2015

Submitted for Approval:

The Hon'ble Sri Justice A.Rajasheker Reddy

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1. Whether Reporters of Local newspapers

May be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be

Marked to Law Reporters/Journals Yes/No

3. Whether His Lordship wish to see the fair

Copy of the Judgment? Yes/No

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 13795 of 2012

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ORDER :

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The grievance of the writ petitioner in this writ petition is that without issuing any prior notice as envisaged under Sections 452 (1) and 461(1) of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act of 1955') straight away impugned notice has been issued under Section 636 of the Act of 1955 on 07.05.2012.

Heard Sri Kowturu Vinaya Kumar, learned counsel for the petitioner as well as Sri P.Kesava Rao, learned counsel for the respondents 1 and 2.

Apparently, the impugned proceedings are in violation of the principles of natural justice, as it is not preceded by any notice as envisaged under Sections 452 (1) and 461 (1) of the Act of 1955. Though interim order was granted on 11.05.2012, no counter is filed by the respondents.

Learned Standing Counsel for the respondents submits that the impugned notice dated 07.05.2012 may be treated as show-cause notice under Sections 452 (1) and 461(1) of the Act of 1955 to the petitioner.

In view of the statement of the learned Standing Counsel for the respondents, the impugned notice dated 07.05.2012 shall be treated as show-cause notice under Sections 452 (1) and 461(1) of the Act of 1955 and the petitioner shall file explanation to the same within a period of four (4) weeks from today. On submission of the said explanation, it is open for the respondent Corporation to consider the same and take appropriate action in accordance with law. Till then

status quo obtaining as on today shall be maintained.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand disposed of.

A.RAJASHEKER REDDY, J

11.08.2015.

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HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P. No.13795 OF 2012

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Date: 11-08-2015

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