

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8530 OF 2015

ORDER :

This writ petition is filed for writ of mandamus declaring the action of the respondents in issuing notice under Section 452(2) of the Greater Hyderabad Municipal Corporation Act vide No.05/ACP-3/EZ/GHMC/2015, dated 24.03.2015 as illegal and arbitrary.

The grievance of the petitioner is that he was given notice dated 17.03.2015 by the respondent authority under Section 461 (1) of the Hyderabad Municipal Corporation Act, 1955 (for brevity 'the Act' as to why the unauthorized construction/deviations to the sanctioned plan shall not be removed by giving only three (3) days time and that even before the petitioner giving explanation, the respondent authority issued notice under Section 452(2) of the Act on 24.03.2015 and the same is being challenged in the writ petition.

Heard learned counsel for the petitioner as well as Smt.A.Deepthi, learned Standing Counsel for respondents.

Learned counsel for the petitioner submits that sufficient time was not granted to the petitioner for filing explanation to the show-cause notice dated 17.03.2015 and without filing any explanation by the petitioner, the respondent authority issued notice under Section 452(2) of the Act, which is also erroneous.

Learned Standing Counsel for the Respondent Corporation submits that the respondent Corporation erroneously issued notice under Section 461(1) of the Act, dated 17.03.2015 instead of issuing notice under Section 452(2) of the Act on 24.03.2015. She further submits that the petitioner instead of asking for extension of time for submitting his explanation, he has not submitted any explanation and rushed to this Court. She further submits that even if petitioner submits reply as on today, the same will be considered by the respondent Corporation and orders will be passed after considering his explanation.

In view of the submission of the learned Standing Counsel for the respondent Corporation, without going into the merits of the case, since the petitioner was granted only three (3) days time for submitting explanation and that this Court has also held that three (3) days notice is not sufficient, the petitioner can file his explanation to the show-cause notice dated 17.03.2015 within a period of 3 weeks days from today and thereafter the respondent Corporation may consider the same and pass appropriate orders, in accordance with law. Till then, Status quo obtaining as on today shall be maintained. However, if the petitioner fails to submit any explanation within the stipulated period, the respondent Corporation can take further action in accordance with law.

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

A.RAJASHEKER REDDY, J

27.03.2015

kvs

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8530 OF 2015

Date: 27.03.2015

kvs