

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12413 OF 2015

ORDER :

This writ petition is filed declaring the action of the 2nd respondent in issuing the notice No29/TPS/C3/EZGHMC/2015, dated 18.04.2015 as illegal and arbitrary and contrary to Sections 452 (1) and 461 (1) of Hyderabad Municipal Corporation Act, 1955 (for short 'the Act of 1955') and consequently to suspend the said notice.

It is the case of the petitioner that she is absolute owner and possessor of house bearing No.16-13 (Old) and 13-19-29 (new) on plot Nos.15 and 24 admeasuring 188 sq.yds in Sy.No.100 situated at Vivekananda Nagar Colony, Gaddiannaram, Saroornagar Mandal, R.R.District by virtue of registered sale deed dated 24.12.2001. The petitioner has obtained permission from the respondent authorities for construction of ground plus first floor and started construction according to the sanctioned plan. However, the respondent authorities issued notice under Sections 452 (2) and 461 (1) of the Act of 1955 on 18.04.2015 alleging that the petitioner has not maintained mandatory set backs. The petitioner filed explanation to the impugned notice on 23.04.2015 to the 2nd respondent and without considering the said explanation, the respondent authorities are trying to demolish the property of the petitioner. Aggrieved by the same, the present writ petition is filed.

Heard Sri M.Veda Vikas, learned counsel for the petitioner as well as Sri P.Krishna Reddy, learned Standing Counsel for the 2nd respondent Corporation.

Since the petitioner had already submitted explanation on 23.04.2015 to the show-cause notice dated 18.04.2015, it is for the competent authority to consider the explanation of the petitioner and take appropriate action in accordance with law. Till a decision is taken on the explanation of the petitioner in pursuance to impugned notice dated 18.04.2015, *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 the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

24.04.2015

kvs.

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12413 OF 2015

Date: 24.04.2015

kvs