

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.35620 of 2015

DATED:05-11-2015

Between:

P. Chandrakanth ... Petitioner

And

The State of Andhra Pradesh

Rep. by its Principal Secretary

Department of Municipal Administration &

Urban Development Authority

Secretariat

Hyderabad

and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. D.L. Pandu

COUNSEL FOR RESPONDENT No.1: G.P. for Municipal Administration (AP)

COUNSEL FOR RESPONDENT No.2: -

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to declare the action of the respondents in issuing Notice No.1/TPS1, dt.29.4.2015, under Section 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), as arbitrary and illegal.

At the hearing, Mr. D.L. Pandu, learned counsel for the petitioner, submitted that on receipt of the impugned notice the petitioner has submitted his representation on

4.5.2015 informing respondent No.2 that he has constructed the house as per the approved plan and that the former may examine the same and drop further action.

In the absence of an order passed under Section 452(2) of the Act, no cause of action arises for the petitioner to approach this Court. Therefore, the writ petition is disposed of with a direction to respondent No.2 to consider the petitioner's explanation and pass an appropriate order and communicate the same to the petitioner. Unless an order under Section 452(2) of the Act is passed, respondent No.2 shall not take any action for removal of the alleged unauthorized structure.

As a sequel to disposal of the writ petition, W.P.M.P. No.45759 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

05-11-2015

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