

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28104 of 2012

ORDER:

This writ petition is filed seeking the following prayer:

“to issue an appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings dt.11.07.2012 in Rc.No.A/119/2012 issued by the 1st respondent whereby directing the 2nd respondent to initiate suitable action against the unauthorized construction carried on by the petitioner and also the consequential show cause notice issued by the 2nd respondent dt.22.08.2012 in Roc.No.G1/30778/2012 calling explanation as to why the permission granted earlier should not be cancelled as illegal, arbitrary and violative of principles of natural justice and Article 14 of the Constitution of India...”

Heard the learned counsel for the petitioner, Sri M.Ajay Kumar, learned Standing Counsel for respondent No.1 and Smt.P.Laxmi, learned Standing counsel for respondent No.2.

It is the case of the petitioner that the 2nd respondent Corporation issued show cause notice dated 22.08.2012 calling his explanation as to why permission granted should not be cancelled for misrepresenting the material facts under Section 450 of the Hyderabad Municipal Corporation Act, 1955.

Counter-affidavit was filed by the 1st respondent.

Notice before admission was ordered on 07.09.2012. Normally, this Court will not interfere with the show cause notice unless there is no jurisdiction on the authority in issuing show cause notice. In this case, it is not the case of the petitioner that the show cause notice is issued without jurisdiction.

In view of the same, it is open for the petitioner to submit explanation within a period of four weeks from today to the impugned show cause notice and respondents-Authority will consider the same in accordance with law. Since already status quo was granted on 07.09.2012, the same shall be continued till the respondent-Authorities consider the explanation of the petitioner. If the explanation is not filed within the aforesaid period, it is open for the respondent-Authorities to take further action in accordance with law.

With the above directions, this Writ Petition is disposed of. No costs.
Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 25-08-2015

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