

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18551 of 2015

Dated : 24.06.2015

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Between:

M.Suseela, W/o M.Machendar and another

.. Petitioners

And

The Government of Telangana,
rep. by its Principal Secretary
and others

.. Respondents

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18551 of 2015

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ORDER :

With the consent of learned counsel for the petitioners as well as learned Government Pleader for respondents, this Writ Petition is disposed of at the admission stage.

The petitioners claim to be the owners of plot No.7 in Survey No.1. Originally, the extent of plot owned by them was 200 square yards, but 120 square yards was acquired for road widening. Therefore, 80 square yards remained in possession of the petitioners. Since the size of the plot was very small, the petitioners could not undertake any construction and they leased out a small extent of plot for starting a motor tire repairing shop and in the remaining extent, they proposed to construct a small kiosk. The grievance of the petitioners is that the respondents are obstructing the same at the instance of third parties and without following the due procedure straight away issued notice on 30.05.2015 to remove the structures already made within two days.

Learned counsel for the petitioners contends that such action of the respondents is wholly illegal and contrary to the principles of natural justice and that order impugned in the writ petition is liable to be set aside on that ground alone. Learned Standing Counsel fairly submits that apparently no prior notice was issued.

A bare look at the proceedings dated 30.05.2015 discloses that no prior notice was caused on the petitioners calling for their explanation. Having regard to the contention of the petitioners, this Writ Petition is disposed of directing the Deputy Commissioner, GHMC, Circle 11, Serilingampally, Ranga Reddy District to treat the proceedings dated 30.05.2015 as show-cause notice. The petitioners shall submit a detailed explanation enclosing all the relevant documents within a period of one week from the date of receipt of copy of this order and on receipt of such explanation, after giving personal hearing on the date fixed by him, the competent authority shall consider and pass appropriate orders as warranted by law and communicate the same to the petitioners. Till the orders are passed as directed above, the petitioners as well as respondent Corporation shall maintain status quo obtaining as on today. No costs.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

June 24th, 2015.

P.NAVEEN RAO, J

ssp