

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.32416 of 2010

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India challenges the notice bearing No.TP/6 Circle 14 dated 29.7.2010 issued by the Respondent Municipal Corporation under the provisions of Section 636 of Hyderabad Municipal Corporation Act, 1955.

2. Heard Sri A.Chandrasekhar, learned counsel for the petitioner and Smt.Y.Padmavathi, learned Standing Counsel for Respondent Corporation.

3. Though a number of contentions have been raised in the writ petition, the principal contention pressed into service by the learned counsel for the petitioner is that the respondent herein did not issue any show cause notice prior to issuance of notice under Section 636 of HMC Act, 1955.

4. This Court on 1.2.2011 in W.P.M.P.No.41197 of 2010 granted order of statusquo and the said order is still subsisting. Though this Court issued rule nisi on 23.12.2010, no counter has been filed by the respondent Corporation either in the direction of denying the averments made in the affidavit filed in support of the writ petition or in the direction of justifying the impugned notice.

5. In the instant case, as per the material available before this Court, there is absolutely no dispute with regard to the fact that the Respondent Corporation did not issue any show cause notice prior to resorting to impugned action. Therefore, This Court is inclined to dispose of the Writ Petition with a direction to the Respondent herein to issue show cause notice and to give opportunity to the petitioner herein.

6. For the aforesaid reasons, the Writ Petition is allowed and the

impugned notice dated 29.7.2010 is set aside and the Respondent Corporation is at liberty to issue show cause notice to the petitioner herein and to proceed in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 19.3.2015
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19.3.2015

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.32416 of 2010

Date: 19.3.2015

Between:

M/s Deccan Chronicle Holdings Ltd.,
S.D. Road, Secunderabad, rep. by its Director.

.. Petitioner

And

The Greater Hyderabad Municipal Corporation,
rep. by its Deputy Municipal Commissioner,
Hyderabad.

.. Respondents

