

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.32615 of 2015

Dated : 05.10.2015

Between:

Ravinder Gupta and another

.. Petitioners

And

Government of Telangana

Rep. by its Principal Secretary,

M.a. & UDD Secretary, Hyderabad

and three others.

.. Respondents

Counsel for the Petitioner : Sri Ms. S.Nanda

Counsel for the Respondent No.1 : G.P. for Municipality

Standing counsel for Respondents No.2 & 3: Sri N.Ashok Kumar

This Court made the following :

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.32615 of 2015

ORDER :

Alleging unauthorized construction in premises bearing Nos.21-7-816 to 819 situated at Ghansi Bazar, Hyderabad, the 2nd respondent issued notice dt.30.09.2015 under Section 452(1) & 461(1) of GHMC Act, 1955 (for short 'the Act') directing the petitioners to submit ownership documents/building permission, if any, in respect of the construction being made by them in the above premises and also directing them to appear before the Assistant City Planner, Circle-5, Hyderabad on 07.10.2015 or to submit reply within seven days from the date of receipt of the notice.

2. The petitioners challenged the said notice in this writ petition alleging that the said notice was issued at the instance of 4th respondent who is inimical to the petitioners and who is their opponent in several rounds of litigation before the competent Civil Court.

3. Learned counsel for the petitioners therefore contends that the action initiated against the petitioners is not bonafide and is nothing but harassing and humiliating the petitioners at the instance of 4th respondent. He also made elaborate submission on the merits of the allegations made in the impugned notice.

4. As seen from the impugned notice, it is only a show cause notice issued under Sections 452(1) & 461(1) of the Act granting liberty to the petitioners to submit all the documents in support of their claim either by appearing in person or by submitting reply to the said notice.

5. When opportunity is afforded to the petitioners to either appear before the competent authority or to give reply, explaining the facts as now stated in the affidavit filed in support of this writ petition, they could not have straight away rushed to this Court.

6. It is not in dispute that the 2nd respondent who issued impugned notice is competent to initiate proceedings whenever illegality comes to his notice as to the nature of construction being made is without permission or the construction being made is in deviation of the sanctioned permission. When the notice is not challenged questioning the jurisdiction and competency and when it is competent for the authority to initiate proceedings against alleged illegal constructions, this Court is loath to interdict such proceedings at the threshold itself. Thus, this Court is not inclined to entertain this writ petition.

7. Accordingly, this Writ Petition is dismissed leaving it open to the petitioners to submit a detailed explanation to the impugned notice. It is also open for the petitioners to request for grant of adjournment for filing written explanation or for personal hearing. If such a request is made, the same shall be considered by the respondent authorities positively. The petitioners are also at liberty to raise all the contentions before the competent authority in response to the impugned notice dt.30.09.2015. It is needless to observe that the respondents shall follow due process of law while proceeding further in pursuance to the said notice. There shall be no order as to costs.

8. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

P.NAVEEN RAO, J

05th October, 2015.

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