

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.12786 of 2015

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondents 2 and 3.

2. This writ petition is filed challenging the notice dated 25.04.2015 issued under Section 402 of Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), wherein the petitioner was directed to remove the compound wall, which was constructed encroaching upon the nala margin.

3. Learned counsel for the petitioner mainly submits that no prior notice was issued before issuance of the impugned notice. He further submits that the petitioner itself constructed the drainage canal by spending its amounts and it never encroached upon any nala portion. He further submits that the petitioner had also submitted designs and drawings for repairing the nala. He also submits that had any notice been issued, the petitioner should have submitted its explanation to satisfy the authorities.

4. On the other hand, learned Standing Counsel for respondents 2 and 3 submits that as the impugned notice was issued under Sections 402 and 405 of the Act, the petitioner has to submit its explanation/representation and if any explanation is submitted, the same will be considered by the respondents concerned and appropriate decision will be taken.

5. In view of the same, this Court is not inclined to quash the impugned notice. However, it is open for the petitioner to submit its explanation to the show cause notice dated 25.04.2015, within a period of one week from today, without awaiting the copy of this order. On such filing, the respondents concerned may consider the same and take a decision thereon. Till such decision is taken by the respondents, *status quo* obtaining as on today shall be maintained. Learned Standing Counsel for respondents 2 and 3 submits that in view of approaching rainy season, the respondents concerned have to take a decision to remove the nala. In view of the same, if the petitioner does not file any explanation within the stipulated time, it is open for the respondents to proceed further in the matter.

6. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAJASHEKER REDDY, J.

30th April, 2015

sj