

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.29701 of 2015

ORDER :

This writ petition is filed for a writ of Mandamus declaring the action of the respondents 2 and 3 in issuing proceedings No.03/UC/W.No.29/CIR-6/WMC/2015 dated Nil.08.2015 (signed on 05.08.2015) under Section 452 (2) of Hyderabad Municipal Corporation Act, 1955 as illegal arbitrary and consequently direct the respondents 2 and 3 to consider the explanation submitted by the petitioner on 02.05.2015 to the notice dated 29.04.2015.

2. The case of the petitioner is that he is the absolute owner and possessor of the plot bearing No.27 and 40 admeasuring 382 Square yards and 416 Square yards in Sy.No.999/1, 993, 994, 986, 987, 965 and 978, Hanamkonda Revenue Village and Mandal, Warangal District and the said properties are in the limits of the Greater Warangal Municipal Corporation, Warangal, Warangal District (2nd respondent). He further alleges that since the said plots are compact blocks and are in low level, he filled up the gravel to level the plots by removing the bushes. He further states that in view of development of the city and hike in the market value for the housing property and as there is a threat from land grabbers and tress passers, he constructed a compound wall and small room and the 2nd respondent also assigned H.No.1-7-899/3/5.

3. The petitioner further alleges that at the instance of third parties, when the 2nd respondent tried to change the alignment of the drainage from his plot, he filed W.P.No.11332 of 2015, and this Court disposed of the same. He further alleges that the 2nd respondent has issued a notice under Section 452 (1) of the Hyderabad Municipal Corporation Act, 1955 (for short 'the HMC Act') on 29.04.2015. The petitioner submitted his explanation on 02.05.2015. But without considering the explanation submitted by the petitioner, the impugned proceedings No.03/UC/W.No.29/CIR-6/WMC/2015 dated Nil.08.2015 under Section 452 (2) of the HMC Act, was issued stating that the petitioner has not submitted his explanation. Aggrieved by the same, the present writ petition is filed.

4. Heard learned counsel for the petitioner and Smt.Pingali Lakshmi, Standing counsel for the respondent-Corporation.

5. Having regard to the fact that the explanations submitted by the petitioner are pending before the respondent-Corporation, the writ petition is disposed of, directing the respondent-Municipal Corporation to consider the explanations submitted by the petitioner on 02.05.2015 and 24.08.2015 and pass appropriate orders as warranted by law, and communicate the same to the petitioner. Till then, the parties are directed to maintain status-quo obtaining as on today. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

11th September, 2015
Rds

A. RAJASHEKER REDDY,J