

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 17465 of 2015

Date : 9.7.15

Between :

I C S Raju S/o Subba Raju

R/o Flat No. 803, E Block, Vertex Sadguru Krupa,
Nizampet Road, Kukatpally, R R District

Petitioner

And

The State of Telangana,

Rep by its Principal Secretary,

Dept of Municipal Admn and Urban Devp
Secretariat, Hyderabad and others

Respondents

The Court made the following:

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ORAL ORDER:

Petitioner claims to be owner of residential cum commercial complex bearing H No. 2-22-311/204A and 205A, Sadguru Nivas, Western Hills, Addagutta Cooperative Society, Kukatpally, Hyderabad. Said complex consist of 15 residential flats and ground and first floors are meant for non residential purposes. Petitioner claims to have applied for Urban Land Ceiling clearance. It appears that petitioner has made construction without authorization from the municipal corporation and taking advantage of the scheme of regularization launched by the State, he has submitted an application for regularization of said building. Initially, the regularization application was favourably considered and orders were passed granting regularization vide proceedings dated 10.5.2014 and within one week of such orders, show cause notice dated 16.5.2014 was issued proposing to cancel the order of regularization dated 10.5.2014. Holding that no response was given by the petitioner, further orders are passed on 26.5.2014 canceling the regularization granted vide order dated 10.5.2014. Challenging the order of cancellation of regularization dated 26.5.2014 this writ petition is instituted.

2. Mr L Ravichander, learned senior counsel appearing for petitioner submitted that petitioner was not served with show cause notice or final order in advance and that show cause notice dated 16.5.2014 was served on him on 15.4.2015 and the final order dated 26.5.14 was served on him by ordinary post on 14.4.15 and no opportunity was afforded to petitioner before passing final orders. Copy of postal cover served on 14.4.2015 was filed along with the writ petition which prima facie show that notice is not served before final orders are passed. The stand of the petitioner is not disputed by learned standing counsel for GHMC more particularly when he is faced with the postal acknowledgment receipt filed along with writ petition.

3. Having regard to the fact that the final order was passed even before the show cause notice was served on the petitioner, the final order dated 26.5.2014 is set aside remitting the matter back to the respondent corporation with a direction to the petitioner to submit his explanation to the show cause notice dated 16.5.2014 within 10 days from the date of receipt of copy of this order and on receipt of such explanation respondents are directed to consider the same and upon affording opportunity of personal hearing to the petitioner, pass appropriate orders as warranted by law within a period of three weeks thereafter. It is needless to mention that if petitioner

fails to submit his explanation within the time stipulated above, respondent corporation is at liberty to take further course of action as warranted by law.

4. Subject to above direction, writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE:9.7.2015
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P NAVEEN RAO,J

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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