

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.33640 of 2015

DATED : 12.10.2015

Between :

Syed Shabbir Ali S/o. Late Syed Shabuddin,

Aged 70 yrs, Occu : Business,

R/o.H.No.4-1-1115/9, Boggulkunta,

Hyderabad-500001, Telangana.

.. Petitioner

and

Greater Hyderabad Municipal Corporation

rep., by its Commissioner,

Tankbund Road, Hyderabad, Telangana &another.

.. Respondents

This court made the following :

THE HON’BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner challenges the show cause notice dated 30.09.2015 issued under Section 452 (1) of Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the GHMC Act'). The show cause notice alleges illegal/unauthorized construction in the subject premises without obtaining prior permission and contrary to the procedure envisaged by the GHMC Act and the by-laws made there under. The petitioner claims to have submitted his explanation on 03.10.2015. Alleging that the respondent-authorities are trying to demolish the property of the petitioner, this writ petition is filed.

2. The GHMC Act, envisages detailed procedure on the allegation of illegal/unauthorized constructions made. The notice under challenge in the writ petition is at the first stage of such procedure envisaged by the GHMC Act. The notice was issued by the competent authority in valid exercise of power vested in him alleging unauthorized construction, without obtaining due permission from the GHMC. I see no error in the notice issued by the 2nd respondent warranting interference by this Court.

3. Having regard to the above, no relief as sought for can be granted and the writ petition is disposed of. It is needless to observe that the procedure envisaged under Section 452 and 636 of the GHMC Act, requires to be complied with by the GHMC before taking any coercive action against the petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

12th October, 2015.

Note : Issue c.c. in two days.

B/o.

Rds

