

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.40288 of 2015

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Date: 11.12.2015

Between:

Mrs.T.Saroja and 3 others

.. Petitioner

and

The State of Telangana
rep. by its Prl.Secretary
Municipal Administration
& Urban Development Dept.,
Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.Mohammed Zia-ul-Haq

**Counsel for respondent No.1: AGP for Municipal
Administration (TS)**

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The Court made the following:

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Order:

This Writ Petition is filed assailing three Notices bearing Nos.UC/9/TPS/W.No.39/CIR-X/WMC/2015, UC/8/TPS/W.No.39/CIR-X/WMC/2015, and UC/11/TPS/W.No.39/CIR-X/WMC/2015, dated 04.12.2015, issued by respondent No.2 under Section 402 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

I have heard Mr.Mohammed Zia-ul Haq, learned Counsel for the petitioners, and Smt.P.Lakshmi, learned Standing Counsel for the Greater Warangal Municipal Corporation (GVMC) appearing for the respondents.

A perusal of the impugned notices shows that respondent No.2 has alleged that the petitioners have constructed shops in the road affected area and splay portion of connected roads, which is objectionable under the provisions of the Act. The petitioners were, accordingly, called upon to showcause within seven days from the date of

receipt of the same as to why their structures shall not be removed, failing which, the same will be removed under Section 405 of the Act. The petitioners have submitted their explanations on 09.12.2015 denying the contents of the said showcause notice.

At the hearing, the learned Standing Counsel for respondent No.2- Corporation has submitted that so far, no order has been passed by respondent No.1.

The learned Counsel for the petitioners has submitted that the respondents have been adopting the *modus operandi*, whereby immediately after their passing the order rejecting the explanations, they have been removing the buildings without giving the owners thereof, any time to avail appropriate legal remedies.

Inasmuch as no order affecting the interests of the petitioners has been passed so far, I am not inclined to entertain this Writ Petition at this stage. However, having regard to the genuine apprehension expressed by the petitioners that the

respondents may remove their structures immediately after the passing of the orders rejecting their explanations, I am of the opinion that it would be in the interests of justice that the respondents shall not remove the structures in question, in the event an order adverse to the petitioners' interests is passed, for a period of two weeks from the date of service of such order on them.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.52011 of 2015, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 11th December, 2015
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