

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

W.P.No.21906 of 2015

Between:

G. Suresh

... Petitioner/Appellant (s)

And

The State of Telangana rep. by its

Principal Secretary and another

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 15.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.21906 OF 2015

ORDER

This writ petition is filed challenging the notice dated 22.06.2015 issued under Section 452(2) of HMC Act, 1955 (for short 'the Act') by the 2nd respondent and served on the petitioner on 10.07.2015.

The case of the petitioner is that he is absolute owner and possessor of the house bearing Municipal No.5-3-98, admeasuring 94.29 sq.yards situated at Bokkalagadda, Hanamkonda, Warangal, having purchased the same through a registered sale deed dated 13.09.2005. After the purchase, the petitioner's name was mutated in the Municipal records vide proceedings dated 19.07.2005. Thereafter, petitioner filed an application for sanction of permission to convert M.T (Mangalore Tiles) roof into A.C. (Asbestos Cement) roof by paying requisite permit fee and other charges along with registered sale deed with link document and mutation proceedings. After verifying the said documents, the 2nd respondent granted permission vide permit No.103 dated 20.06.2006. Accordingly, the petitioner constructed A.C roof shed and compound wall as per the sanctioned plan without any deviation and without violating any provisions of the HMC Act. Subsequently, he approached the 2nd respondent for assessment of tax and after inspection, the Municipal authorities assessed and levied an amount of Rs.90 as house tax. While so, the 2nd respondent issued show cause notice dated 01.06.2015 under Section 452(1) and 461(1) of the Act directing the petitioner to show cause why the unauthorised constructions should not be removed. Pursuant to the same, the petitioner submitted explanation on 23.06.2015. Without considering the same, the 2nd respondent issued impugned notice dated 22.06.2015. Aggrieved by the same, the present writ petition is filed.

Heard Sri T.Ramulu, learned counsel for the petitioner and Smt.P.Lakshmi, learned Standing counsel for respondent-Corporation.

Smt P.Lakshmi, learned Standing counsel for respondent-Corporation submits that the respondent officials would consider the explanation filed by the petitioner on 23.06.2015 and thereafter action will

be initiated.

In view of the submission made by the learned Standing counsel for respondent-Corporation, this writ petition is disposed of directing the respondents to consider the explanation filed by the petitioner and thereafter take action in accordance with law. Till then, *status-quo* obtaining as on today shall be maintained. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 15.07.2015
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