

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4219 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in issuing order vide Lr.No.131/AcP-10(W-6&7)/CZ/GHMC/2015, dated 10.02.2015, as illegal and arbitrary and in violation of principles of natural justice.

The case of the petitioner is that he is the owner of building bearing H.No.6-3-159/13, admeasuring an extent of 72.6 Sq.Ys., situated at Prem Nagar, Khairatabad, Hyderabad. While so, when the petitioner started internal and external repairs to the said building, the officials of the respondent Corporation were interfering with the same, as such, he filed OS.No.131/2013 on the file of IV Junior Civil Judge, City Civil Court, Hyderabad and the same was decreed on 28.08.2014. While the things stood thus, the 2nd respondent issued a notice dated 24.01.2015, under Section 452(1) & 461(1) of the HMC Act 1955 (*for short 'the Act'*), asking the petitioner to file explanation within seven days. Immediately, the petitioner made a representation dated 03.02.2015, seeking time to submit explanation as he could not get copy of the Judgment of trial Court in OS.131/2013 and also the record. But, the 2nd respondent without granting any time, passed the impugned proceedings dated 10.02.2015, under Section 636 of the Act, directing the petitioner to remove the unauthorized construction made against the provisions of Zoning Regulations of 1981, within 24 hours from the date of receipt of the said notice. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and Sri R.Radhakrishna Reddy, learned Standing Counsel appearing on behalf of 2nd respondent Corporation.

Though the petitioner has filed representation, seeking time to file the explanation, on 03.02.2015, the 2nd respondent treating the said representation as explanation passed the impugned order under Section 636 of the Act. Since the learned counsel for the petitioner states that now the petitioner is ready to file explanation, the petitioner is directed to file explanation to the notice dated 24.01.2015, within ten (10) days from today. On such explanation being filed by the petitioner, the 2nd respondent is directed to consider the same and pass appropriate fresh orders under Section 636 of the Act and take necessary action accordingly. Till then, *Status Quo*, obtaining as on today shall be maintained by both the parties. If the petitioner fails to submit his explanation within ten days, it is open for the respondent Corporation to proceed further in the matter.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

24.02.2015
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