

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 31478 of 2015

Date :27-10-2015

Between :

Katepally Vishwanatham S/o Late Gangaiah
R/o H No. 3-1-210, Somasundaram street, Secunderabad

Petitioner

And

GHMC, rep by its Deputy Commissioner,
Circle 18, SEcunderabad and others

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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ORAL ORDER:

Petitioner claims to be tenant of shop bearing Nos.3-3-492, Rangrez

Bazar, Secunderabad. Petitioner contends that authorities of respondent corporation visited the premises on 24.9.2015 along with a JCB machine and threatened to demolish the ground floor shop in occupation of the petitioner. However, on protest made by petitioner and other tenants the demolition did not take place. This Court by order dated 29.9.2015 while directing to maintain status quo also directed the petitioner to file proof of occupation of the subject property since occupation by petitioner is seriously disputed by respondent corporation.

2. When the matter is taken up, learned standing counsel produced notice issued under section 459 of Hyderabad Municipal corporation Act, 1955 dated 22.6.2015 directing the petitioner to vacate the premises as the building is in dilapidated condition and is likely to fall. This notice is stated to have been served on the petitioner on the same day. The said notice is not under challenge nor there is any averment about the notice in the affidavit filed along with writ petition.

3. Having regard to the fact that the notice under Section 459 of the Act is already served on the petitioner which is not under challenge, I see no illegality in the respondent corporation taking action consequent to said notice. The writ petition is liable to be dismissed and accordingly dismissed. However, it is left open to the petitioner to avail appropriate remedies as available to him under law, if he is aggrieved by notice dated 22.6.2015. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 27.10.2015
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