

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39917 of 2015

-
09.12.2015

Between:

Mohd. Masood Mustafa

.. Petitioner

and

The Greater Warangal Municipal Corporation, Warangal and another

.. Respondents

Counsel for the petitioner: Mr.Mohd. Moin Ahmed

Counsel for the respondents: --

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The Court made the following:

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ORDER:

This writ petition is filed assailing the notice No.UC/15/TPS/W.No.39/CIR-X/WMC/2015, dated 04.12.2015, issued by respondent No.1 under Section 402 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

I have heard Mr.Mohd. Moin Ahmed, learned counsel for the petitioner, and Smt.P.Lakshmi, learned standing counsel for the Greater Warangal Municipal Corporation (GVMC) appearing for the respondents.

A perusal of the impugned notice shows that respondent No.1 has alleged that the petitioner has constructed a shop in road affected area and splay portion of connected roads which is objectionable under the provisions of the Act. The petitioner was accordingly called upon to show cause within seven days from the date of receipt of the said notice as to why his structure shall not be removed and that failing which, the same will be removed under Section 405 of the Act. The petitioner has submitted his explanation on 07.12.2015 denying the contents of the said show cause notice.

At the hearing, the learned standing counsel for the Corporation has submitted that so far no order has been passed by respondent No.1.

The learned counsel for the petitioner has submitted that the respondents have been adopting the *modus operandi*, whereby immediately after their passing the order rejecting the explanation, 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 petitioner 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 petitioner that the respondents may remove his structure immediately after the passing of an order rejecting his explanation, I am of the opinion that it would be in the interests of justice that the respondents shall not remove the structure in question, in the event an order adverse to the petitioner's interests is passed, for a period of two weeks from the date of service of such order on the petitioner.

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

As a sequel to disposal of the writ petition, W.P.M.P.No.51535 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

09th December, 2015

GHN