

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4414 OF 2015

ORDER

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This writ petition is filed by the petitioners seeking a *Writ of Mandamus* declaring the impugned notice of the 1st respondent, issued under Section 461-A of GHMC Act, vide Lr.No.G-213/C6/GHMC/2015-3, dated 19.02.2015 ordering to seal their property on 24.02.2015, without giving an opportunity of hearing, as illegal and arbitrary and consequently to set aside the same.

The case of the petitioners is that the 1st respondent has issued a notice dated 05.01.2015 asking the petitioners to attend in person in respect of the complaint made by the 3rd respondent. In pursuant to the said notice, the petitioners attended the respondent's office on 08.01.2015 and requested the authorities to grant time for submitting necessary material papers and consequently the 1st respondent granted time till 19.01.2015. Again on 19.01.2015 the petitioners sought further time and they were under the impression that the 1st respondent is going to grant further time, but to their surprise they have received notice dated 19.02.2015 issued by the 1st respondent under Section 461-A of GHMC Act, 1955 (for short 'the Act') rejecting their application for grant of more time and also issued orders for initiating action under Section 461-A of the Act. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioners and Sri C.Damodar Reddy, learned Standing counsel for respondent-corporation.

The petitioners were issued notice dated 05.01.2015. Though the application for extension of time is filed, without considering the same, the impugned order is passed. The respondents could have given sufficient time enabling the petitioners to file explanation. But no time was granted to them to file explanation. Therefore, since the petitioners pleaded for further time, one more opportunity can be granted to them for filing explanation. In view of the same, petitioners are permitted to file explanation to the notice dated 05.01.2015 within a period of three (03) weeks from today. Thereafter, the respondents may consider the same and pass appropriate orders. If petitioners fail to submit explanation within the aforesaid period, it is open for the respondents to proceed further as per the proceedings dated 19.02.2015.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any shall stand closed.

A.RAJASHEKER REDDY,J

Date: 25.02.2015
Note:
Issue CC by tomorrow
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