

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.21311 of 2015

Dated : 10.07.2015

-

Between:

B.Ravindranath Yadav S/o.Vastad Ramayya,
Aged about 55 yrs, R/o.H.No.8-2-134/1/A/2,
Near Ramalayam temple, Srinagar Colony Road,
Panjagutta, Hyderabad

.. Petitioner

And

Greater Hyderabad Municipal Corporation,
Tank Bund Road, Hyderabad,
Rep., by its Commissioner & another.

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-

WRIT PETITION No.21311 of 2015

-

-

ORDER :

On the allegation that the petitioner is maintaining a cattle shed in the midst of residential locality, creating lot of pollution and unhygienic conditions to the people living around the said premises, an order was passed on 04.07.2015, by the 2nd respondent directing the petitioner to vacate the cattle shed within a period of one week. The said proceeding is challenged in this writ petition.

2. Apart from other contentions, the primary grievance of the petitioner is that the said order was passed without prior notice or opportunity. It refers to a complaint given by the residents of the locality, but no copy of the complaint is furnished to the petitioner.

3. Learned Standing counsel does not dispute the fact that the order does not refer to the notice given to the petitioner.

4. A plain reading of the order would show that no prior notice was given to the petitioner and that he was not given any opportunity of hearing. It appears that the complaint lodged by the local residents is not furnished to the petitioner. The impugned order has got civil and evil consequences and therefore, no such order can be passed without giving reasonable opportunity of hearing.

5. Having regard to the same, the proceeding dated 04.07.2015 issued by the 2nd respondent is directed to be treated as show cause notice and the petitioner shall file his explanation, within a period of two weeks from today, along with relevant documents in support of his claim and the Municipal Corporation is directed to supply a copy of the complaint to the petitioner immediately, within one week from today. On consideration of such explanation, the competent authority shall pass orders as warranted by law. Till then, no coercive steps shall be taken by the respondents against the petitioner.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

10th July, 2015.
Rds

P.NAVEEN RAO,J

