

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.6679 of 2015

Date: 17-03-2015

Between:

S. Janakiramaiah

.... Petitioner

AND

The State of Telangana, represented by its
Principal Secretary to Municipal Administration Department,
Hyderabad and 2 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.6679 of 2015

ORDER:

This writ petition is filed for a writ of *Mandamus* declaring the proceedings of the 3rd respondent under notice No.67/UC/W.No.124/WZ/GHMC/15, dated 18-02-2015 issued under Section 452 (1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 as illegal arbitrary and unconstitutional and to set the same.

2. The case of the petitioner is that the petitioner is the owner and possessor of Part of Plot Nos.5 and 6 in Survey No.30 and 31/E admeasuring 1796.67

square yards in Shamshiguda village, Kukatpally Municipality, Balanagar Mandal, Ranga Reddy District having purchased the same under registered document No.1617 of 2013 dated 08-03-2013 and he is also owner and possessor Part of Plot No.4 in Survey Nos.30, 31 and 31/E admeasuring 466.67 square yards in Shamshiguda village, Kukatpally Municipality, Balanagar Mandal, Ranga Reddy District having purchased the same under registered document No.1619 of 2013, dated 08-03-2013 and the said lands are adjacent to each other and the said properties were also assessed for taxes. It is stated that the officials of the 3rd respondent came to the premises and affixed two sets of notices issued under Sections 452 (1) and 461 (1) of the Greater Hyderabad Municipal Corporation Act, 1955 and also the consequential proceedings issued under Section 452 (2) of the Act. Being aggrieved by the said action of the respondents, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Dr. Y. Padmavathi, learned standing counsel for the respondent Corporation.

4. The impugned notices which are sought to be challenged are stated to have been affixed on the subject properties without serving the same personally on the petitioner. Since it is stated that the impugned notices were affixed on the subject properties, the petitioner could not make any explanation to the said notices, consequent upon which, a notice under Section 452 (2) of the Act has been issued. It would suffice if the petitioner is permitted to submit his explanation to the said show cause notices.

5. On the other hand, Dr. Y. Padmavathi, learned standing counsel for the respondent Corporation stated on instructions that if the petitioner submits his explanation to the show cause notices issued under Sections 452 (1) and 461 (1) of the Act, the respondent Corporation will consider the same and take appropriate action thereon in accordance with law.

6. In view of the facts and circumstances narrated above, it is for the petitioner to submit his explanation to the show cause notices issued under Sections 452 (1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 dated 18-02-2015 and on making such explanation, the respondent Corporation may consider the same and take appropriate action thereon in accordance with law, as expeditiously as possible, preferably within a period of two (2) weeks from

today. Till such action is taken by the respondent Corporation, status quo obtaining as on today shall be maintained by both parties.

With the above direction, the writ petition is disposed of. There shall be 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

Date: 17-03-2015

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