

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11311 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the Notice vide proceedings No.15/UC/WNO16/CIR-7/WMC/2015, dated 10.04.2015, as illegal and arbitrary and to set aside the same.

The case of the petitioner is that he is the absolute owner and possessor of the House bearing No.1-1-103/14, Plot No.71, admeasuring 450 sq. ys., S.No.623/C, situated at Waddepally Village, Hanmakonda Mandal, Warangal District, having purchased the said property under a registered sale deed dated 08.08.2013. Ever since, he is in peaceful possession of the same. While so, the 2nd respondent, at the instance of the 4th respondent, issued notice dated 01.04.2015 under Section 452(1) and 461(1) of the Hyderabad Municipal corporation Act, 1955 (*for short 'the Act'*) stating that the petitioner constructed ACC sheet room in the above said property without obtaining permission from the 2nd respondent under Section 428 and 433 of the Act, and also directed the petitioner to submit explanation within seven days. Immediately, the petitioner submitted his explanation dated 06.04.2015 stating that the said ACC sheet room is existing long prior to his purchase. Without looking into the explanation, the 2nd respondent issued impugned notice dated 10.04.2015 under Section 452(1) of the Act to show cause as to why the said construction was made by the petitioner unauthorisedly and also alleged that the petitioner has not submitted explanation to the show cause notice dated 01.04.2015. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that though the petitioner filed explanation on 06.04.2015 in pursuance of the show cause notice dated

01.04.2015, the 2nd respondent without considering the same, issued impugned notice dated 10.04.2015 in violation of the principles of natural justice.

Ms.P.Lakshmi, learned Standing Counsel for the respondents 2 and 3 submits that the authorities will consider the representation of the petitioner in accordance with law.

Heard learned counsel for the 4th respondent.

In view of the fact that though the petitioner has already submitted explanation dated 06.04.2015 in pursuance of the show-cause notice dated 01.04.2015, the impugned order does not reflect that the same has been considered and nothing is stated with regard to receipt of the explanation. In view of the same, the impugned notice dated 10.04.2015, issued by the respondent Corporation, is set aside and the 2nd respondent is directed to consider the explanation dated 06.04.2015 submitted by the petitioner and take decision in accordance with law, within a period of four weeks (4) from the date of receipt of a copy of this order. Till then, *Status Quo* obtaining as on to day shall be maintained by both the parties.

With the above direction, writ petition is disposed of. 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

20.04.2015

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