

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.29598 of 2015

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ORDER:

The case of the petitioner is that he is the owner of the shop bearing M.C.No.6-3-1090/A/1/1, admeasuring 50 sq.yards situated in plot No.17, Sy.No.28, Ward No.6, Block No.3, Somajiguda, Hyderabad having purchased the same by virtue of registered gift deed in the year 2010. He is doing the business of selling pan. While so, on 01.09.2015, the 3rd respondent officials threatened to demolish the shop of the petitioner and took away the raw material. Challenging the same, the petitioner filed W.P.No.28802 of 2015 and the said writ petition was disposed of on 07.09.2015 with a direction to the respondents to follow due process of law. Thereafter, the respondents issued a notice under Section 636 of Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') directing the petitioner to remove the unauthorised constructions within 24 hours from the date of receipt of the said notice. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the respondents have issued notice under Section 636 of the Act to one M.A.Raheem, who is no way concerned with the property of the petitioner. He further states that the petitioner's property cannot be demolished without issuing any prior notice to the petitioner.

When the matter came up for hearing on 10.09.2015, this Court granted status quo and directed the petitioner not to make any further constructions and asked the learned Standing counsel for respondents to produce the record.

Sri P.Keshava Rao, learned Standing counsel for respondents on instructions submits that without obtaining any permission, the petitioner is making constructions and the said constructions are made in the area earmarked for widening of the road in the Master plan. He

also submits that M.A.Raheem is none other than son of the petitioner.

Since the petitioner specifically denies that M.A.Raheem is his son, I deem it appropriate that impugned notice issued to one M.A.Raheem shall be treated as show cause notice issued to the petitioner and submit explanation to the same within 3 days from today. On such explanation being filed, the respondent authorities shall consider the same and take action according to law. Till then, status-quo obtaining as on today shall be maintained, since it is specifically alleged that petitioner is making constructions without obtaining permission. However, if petitioner still makes any further constructions, it is open for the respondent Corporation to take action in accordance with law.

With the above direction, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 11.09.2015
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