

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5553 OF 2015

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ORDER:

This Writ Petition is seeking a writ of mandamus declaring the action of the 2nd respondent in issuing notice, dated 27.02.2015, under Section 636 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), as illegal and arbitrary.

It is the case of the petitioner that after obtaining permission from the respondents, he made construction of a building at premises bearing No. D.No.2-2-1105/71/B and 1108/1/7, situated at Tilak Nagar, Hyderabad. But, the respondents straightaway issued impugned notice without any prior notice under Sections 452 (1) and 461 (1) of the Act. Aggrieved by the same, the present Writ Petition is filed.

Learned counsel for the petitioner contended that though the impugned notice was issued by the respondents, the petitioner could not receive the same and as such could not file explanation to the same. He further submits that without giving any opportunity to the petitioner, the respondents issued the impugned notice, which is in violation of the principles of natural justice.

Sri R. Radha Krishna, learned Standing Counsel for the respondents, contended that the impugned notice was served on the person, who was present in the house and received the same on behalf of the petitioner and submits that anyhow the authorities would issue notice to the petitioner and take action as per law.

Since it is the specific case of the petitioner that he has not received any notice under Section 452 or 461 of the Act, the impugned notice is liable to be

set aside.

In view of the above facts and circumstances, the 2nd respondent may issue fresh notice to the petitioner under Sections 452 (1) and 461 (1) of the Act and the petitioner may submit explanation within a period of two weeks from the date of said notice. Thereafter the 2nd respondent may consider the same and pass appropriate orders and take action in accordance with law. Till then, *status quo* obtaining as on today shall be maintained.

The Writ Petition is, accordingly, 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

04.03.2015

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