

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8861 OF 2015

DATED: 01.04.2015

Between:

Mulakala Srinivasarao

... Petitioner

and

The Greater Visakhapatnam Municipal Corporation

... Respondent

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8861 of 2015

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ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

Learned Standing Counsel for Greater Visakhapatnam Municipal

Corporation does not want to file any counter.

This writ petition has been filed challenging order dated 20.03.2015, which has been passed in purported compliance of our order, dated 26.11.2014. We are surprised to see that copy of the order supplied to the petitioner contains blank spaces and it is not tallying at all with the copy of the order produced before us by the learned Standing Counsel for the respondent. Under these circumstances, we set aside the order communicated to the petitioner. We are constrained to observe that some tricks have been played on the petitioner by supplying him different order containing blank spaces while retaining real order. The statutory Corporation cannot resort to this sort of tricks, if not unfair practice, which we deprecate. There is another reason to allow the writ petition which we find from paragraph 3 of the writ affidavit that the writ petitioner appeared in the Office of the respondent but no hearing was conducted by the Commissioner and the Personal Secretary of the Commissioner has taken the copy of the letter which is addressed to the Commissioner narrating his grievance. By our order, we directed the Commissioner to give personal hearing, meaning thereby, the Commissioner himself shall hear the writ petitioner, apply his mind and then decide the matter and he must not in the process, take the help of any person nor delegate to any one this task. This course of action was not followed by the Commissioner.

Therefore, the order which is not supplied to the writ petitioner stands, set aside. We direct the Commissioner to hear the writ petitioner personally in terms of our earlier order and then pass a fresh one without being influenced and swayed by the impugned order, as the same is set aside by this Court. This must be done within a period of six weeks from the date of receipt of a copy of the order. Till such time, no coercive measures shall be taken. Let the copy of the order of the Commissioner be kept on record.

The writ petition is accordingly allowed.

Consequently, miscellaneous petitions, if any pending, shall stand dismissed. No order as to costs.

K.J. SENGUPTA, CJ

1st APRIL, 2015.

SANJAY KUMAR, J

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