

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10886 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 3rd respondent in issuing notice vide No.UC/49/TPS/W.12/C3/EZ/GHMC/2014, dated 08.04.15, under Section 452(2) of the GHMC Act, 1955, without issuing notice under Sec.452(1) of the Act, in respect of premises bearing D.No.8-7-89/C/P-1/72, Chaitanyanagar, Karmanghat, Hyderabad, as illegal and arbitrary and consequently to set aside the same.

The case of the petitioner is that he was issued notice dated 08.04.2015, under section 452(2) of the HMC Act, 1955, asking the petitioner why action should not be taken for removal of the unauthorised structures which are constructed in deviation of the sanctioned plan. Thereafter, petitioner submitted explanation dated 10.04.2015 before the 3rd respondent, but without considering the same, the respondent authorities are trying to demolish the petitioner's property. Aggrieved by the same present writ petition is filed.

Heard learned counsel for the petitioner and Sri P.Krishna Reddy, learned Standing Counsel for respondent Corporation.

In fact, though the proceedings dated 08.04.2015 stated to be issued under Section 452(2) of the Act, in the last paragraph of the said proceeding it is styled as show cause notice. Since petitioner has submitted explanation, stating that his application under Section 455 A of the Act, is pending consideration, it is for the respondents to consider the same and take further action. Till the decision is taken by the respondent authorities on the explanation filed by the petitioner, *Status Quo*, obtaining as on today shall be maintained by both the parties.

With the above direction, the 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

16.04.2015

Note: Issue C.C by 16.04.2015

B/o. t k.