

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5366 OF 2015

ORDER :

This writ petition is filed challenging the impugned notice dated 27.02.2015 issued under Section 636 of the Hyderabad Municipal Corporation Act, 1955, on the ground of violation of principles of natural justice as the notice under Section 452 (1) and 461(1) was issued on 13.02.2015 requiring the petitioner to submit explanation within seven (7) days and though the petitioner has submitted explanation on 15.02.2015, without considering the same, the present impugned notice was issued. Aggrieved by the same, the present writ petition is filed.

2. Heard learned counsel for the petitioner as well as Sri R.Radha Krishna Reddy, learned Standing Counsel for respondent Corporation.

3. Sri R.Radha Krishna Reddy, learned Standing Counsel by taking notice on behalf of the respondent Corporation submits that the petitioner has submitted explanation in Inward Section and by the time it reached the concerned section, the impugned notice was issued to the petitioner on 27.02.2015 and that the respondent authorities will consider the explanation of the petitioner in pursuance to notice issued under Section 452 (1) of the HMC Act and pass appropriate orders in accordance with law. It is also stated that the appeal lies against the rejection of regularization application and the petitioner has not filed any appeal before appropriate authority.

4. In view of the above facts and circumstances, without going into the merits of the case, this writ petition is to be disposed of only on the ground of violation of principles of natural justice, since admittedly, petitioner has submitted his explanation on 15.02.2015 to the show cause notice dated 13.02.2015 issued under Section 452(1) of the HMC Act, 1955, within the time granted by the respondent

Corporation.

In that view of the matter, the impugned order dated 27.02.2015 is set aside and the respondent Corporation is directed to consider the explanation of the petitioner dated 15.02.2015 in pursuance to notice dated 13.02.2015 issued under Section 452(1) of the Act and pass appropriate orders, in accordance with law. Till then, *Status quo* obtaining as on today shall be maintained. It is open for the petitioner to file an appeal before the appellate authority which is reconstituted, against rejection of refusal of regularization application and the same shall be considered by the appellate authority, in accordance with law.

Accordingly, 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

03.03.2015

Note: issue cc in two days.

B/o.kvs.

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Date: 03.03.2015

kvs