

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

**FRIDAY, THE NINTH DAY OF OCTOBER TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.33420 of 2015

Between:

M/s. SHL Ventures,
Flat N.102, Block F' Ground Flr,
CASA Rouge, Kondapur Village,
Serilingampally Mandal, Ranga Reddy District,
Rep. by its Partner Ch. Hemchand Naidu,
S/. Ch. V. Rama Rao,
Aged about 29 years, Occ: Legal Manager,
Residing at H.No.12, Lakshmi Gayathri,
Opp: NTU, Samathanagar Road,
Kukatpally, Hyderabad – 500 072.

.. Petitioner

AND

Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner,
Tank Bund Road, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33420 of 2015

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India praying to grant the following relief:

“Call for records leading to decision of 2nd respondent in File No.2/UC/Cir-12/TPS/GHMC/2015 dated 06.10.2015 in continuation of Notice No.UC/Cir.12/TPC/GHMC/2015 dated 09.02.2015, Notice No.2/UC/Cir-12/TPS/GHMC/2014 dated 24.02.2015 and quash the same.”

2. Learned counsel for the petitioner, at the outset contended that order impugned is bereft of reasons and liable to be set aside on that ground alone.

3. It is unfortunate that when statutory power is exercised, the authorities are required to assign reasons in support of their decision while passing orders. In W.P.Nos.9149 & 23174 of 2015, this Court directed to consider the objections of rival claimants and to pass appropriate orders, as warranted by law. However, the order impugned in the writ petition does not contain any reasons for taking a decision. It only discusses the objections filed by the rival claimants and the orders passed by the Court.

4. Learned counsel representing the 4th respondent submits that inspections were already conducted on four occasions and the decision is validly made.

5. Learned Standing Counsel fairly submits that the order not being a reasoned order, the same is liable to be set aside and liberty be granted to pass fresh orders.

6. Though, what is contended by learned counsel for 4th respondent may be true, but unfortunately, the reading of the order do not reflect conducting of such physical inspection and no mention is made of the result of such inspection.

7. The matter requires special attention by the Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad (1st respondent), so that such things and the consequential litigation can be avoided in future.

8. The impugned order is set aside and the matter is remitted to the Deputy Commissioner, Circle-XII, Greater Hyderabad Municipal Corporation, Serilingampally Mandal, Ranga Reddy District (2nd respondent). The 2nd respondent shall supply a copy of inspection report to petitioner and 4th respondent within one (1) week from the date of receipt of this order. Both are entitled to file their objections within one (1) week thereafter. It is hoped and expected that the result of the inspection shall be delineated clearly and a reasoned order is passed. The Deputy Commissioner (2nd respondent) is directed to pass appropriate orders after considering the explanation/objections already made and the result of the physical inspection conducted within a period of two (2) weeks from the date of receipt of objections by both parties,

if any filed in pursuance to supply of inspection report.

9. The Writ Petition is, accordingly, allowed.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO, J

Date: 9th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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