

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20319 of 2015

Dated : 09.07.2015

Between:

Shaik Pasha S/o.Shaik Yakub Ali,
Aged 50 yrs, Occu : Employee,
R/o.2-2-48/1, Rajaji Nagar, Hanmakonda,
Warangal.

.. Petitioner

And

The State of Telangana,
rep., by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad & 3 others.

.. Respondents

This Court made the following :

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ORDER :

The petitioner claims to be the owner and in possession of house bearing No.2-2-48/1, Rajajinagar, Hanamkonda, Warangal, within the limits of the Greater Warangal Municipal Corporation, (2nd respondent). The petitioner's family has obtained building permission and constructed a house. According to the petitioner, the road is only 40 feet width, therefore leaving the 40 feet width road, construction was made. Alleging that the petitioner has made illegal construction, a notice under Section 452 (1) and 461 (1) of the Hyderabad Municipal Corporation Act, 1955 (for short 'the HMC Act') was issued on 30.05.2015 calling upon the petitioner to submit his explanation. The allegation made in the notice was that the petitioner constructed building without permission and also encroached the 60 feet wide road. Alleging that there was no response to the said notice, another notice under Section 452 (2) of HMC Act, was issued on 12.06.2015. Thereafter, notice under Section 636 of HMC Act, was issued on 30.06.2015. Challenging the said notices, this writ petition is filed.

2. When the matter is taken up, for consideration on 06.07.2015, learned Standing counsel for Municipal Corporation, submitted that the petitioner has given an undertaking stating that he has no objection for taking possession of the remaining extent of land to make the road width as 60 feet. According to learned standing counsel, the said undertaking was given by the petitioner on 04.07.2015.

3. Having regard to the same, learned counsel for the petitioner sought for an adjournment. Today, when the matter is called, learned counsel for the petitioner fairly submits that the petitioner has given the said undertaking. He further submits that the procedural formalities are not observed by the 2nd respondent and the notices under Sections 452 (1), 461 (1) and under Section 452 of HMC Act, were served on the petitioner, only on 16.06.2015 and 17.06.2015 respectively. That means even before an explanation can be filed, notice under Section 452 (2) of HMC Act is issued and without even considering the explanation, notice under Section 636 of HMC Act, is issued.

4. Having regard to the consent given by the petitioner on 04.07.2015, such issues need not be gone into in this writ petition. It appears that such consent was given by the petitioner since his building is not

affecting, even if the road widened up to 60 feet.

5. Having regard to the said consent, no further orders need be passed in this writ petition and accordingly, the Writ Petition is disposed of giving liberty to the 2nd respondent Corporation, to take further course of action as per the consent given by the petitioner. There shall be no order as to cost.

Miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

09th July, 2015.
Rds

P.NAVEEN RAO,J