

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

**WEDNESDAY, THE SIXTEENTH DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

–
Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.30101 of 2015

Between:

Mr. C. Nagesh, S/o. Veeraiah,
Aged about 37 years, Occ: Working in Telephone Dept.,
R/o. H.No.5-104, Hussain Shah Wali,
Near Old Bombay Highway, Dargah,
Ranga Reddy District-TS.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration and
Urban Development Department,
Secretariat at Hyderabad & 3 others

.. Respondents

The Court made the following:

–
–
–
–
–
–
–
–
–

-

-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30101 of 2015

-

ORDER:

Alleging that the petitioner made construction of a room and compound wall without obtaining permission from the Greater Hyderabad Municipal Corporation, show cause notice under Sections 452(1) & 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') was issued on 04.09.2015. Though the petitioner filed his explanation on 08.09.2015, without considering the explanation and holding that no explanation was submitted, orders are passed on 10.09.2015 under Section 452(2) of the Act. The petitioner challenges the said notice in this writ petition.

2. When the matter is taken up for consideration, learned Standing Counsel, on instructions, fairly submits that due to oversight and mistake, the explanation filed by the petitioner was not brought to the notice of the competent authority and, therefore, the same was not considered and stated that the respondent Municipal Corporation shall consider the explanation and pass fresh orders.

3. Having regard to the said submissions, the Writ Petition is allowed by setting aside the impugned order, dated 10.09.2015, and the matter is remitted back to the Deputy Commissioner, Greater Hyderabad Municipal Corporation, Serilingampally, Ranga Reddy District (3rd respondent) for

passing fresh orders on due consideration of the explanation submitted by the petitioner on 08.09.2015 to the show cause notice, dated 04.09.2015. The petitioner may also be given an opportunity of hearing by the 3rd respondent before passing of orders. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 16th September, 2015

Note: Issue C.C. in one (1) week.

(B/o.)

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-
-

-
-
-
-
-
-

-
-
-
-

-
-
-
-
-
-
-
-
-
-

WRIT PETITION No.30101 of 2015

-

Date: 16th September, 2015

KL