

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

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No. 4327 OF 2015

DATE: 13.03.2015

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Between:

M/s. Mohini Devini Family Trust
Hyderabad.

... Petitioner

And

The Greater Hyderabad Municipal Corporation
Hyderabad & another.

... Respondents

This Court made the following:

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No. 4327 of 2015

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ORDER: (Per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed challenging the action of the Greater Hyderabad Municipal Corporation in sealing the premises bearing Door No. 5-8-352/110, 111, Shop No.110, 111, Chirag Ali Lane, Ragav Ratna Towers, Abits, Hyderabad, without issuing notice and without complying the order dated 18.01.2012 passed in M.A.No.263 of 2010 on the file of the Chief Judge, City Small Causes Court, Hyderabad.

While entertaining the matter, on 27.02.2015, we passed interim order directing to desal.

The main grievance of the petitioner is that without implementing the order passed by the City Small Causes Court, Hyderabad, the impugned action has been taken by the respondents. In the affidavit such factual and legal position is also made.

We are of the view that such an action is totally unwarranted as a result thereof the petitioner has been driven to further litigation before this Court. Initially, an affidavit was filed making an incorrect statement. Thereafter, with the leave of this Court, subsequent affidavit has been filed wherein such mistake has been admitted and apology has been tendered by correcting the same. Now we are informed that the seal has been removed.

Under these circumstances, we close the writ petition with costs

confirming the interim order passed by this Court giving liberty to the petitioner to take steps in accordance with law. However, costs of the writ petition are assessed at Rs.2,000/- (Rupees Two thousand only) to be payable by A. Shailaja, Deputy Commissioner, Circle-8, Greater Hyderabad Municipal Corporation, Hyderabad, personally to the petitioner within three weeks from the date of receipt of a copy of this order, and such costs shall not be borne by the Corporation, as we notice that this action is neither authorized by law nor is a bona fide one. So statutory immunity and protection in discharge of duty are not amenable to this case. Pending miscellaneous petitions, if any, shall also stand closed.

K.J. SENGUPTA, CJ

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SANJAY KUMAR, J

Date: 13.03.2015
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