

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

CASE NO.WRIT PETITION No.13211 of 2015

Between:

P. Jahanavi Pujitha,
Rep. by her father P. Sivaramakrishna,
S/o. Rattaiah, R/o. Varshini Mansion,
Flat No.601, 5th floor,
Plot Nos.29/4 & 29/5,
Deepthi Sree Nagar Colony, Hafeezpet Village,
Serilingampally Mandal, Ranga Reddy District.

.. Petitioner

AND

The Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner & Special Officer,
Tank Bund Road, Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 13.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

- | | | |
|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

-

-

-

-

-
-
-
-
-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13211 of 2015

-

ORDER:

This writ petition is filed questioning the action of the respondents in threatening to demolish the Flat No.601, 5th floor, Plot Nos.29/4 and 29/5, Deepthi Sree Nagar Colony, Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District, without issuing any notice to the petitioner and without following due process of law as illegal.

2. Heard Sri Ghanta Sridhar, learned counsel for petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation for respondents and with their consent, the writ petition is taken up for disposal at the stage of admission.

3. Petitioner claims that his daughter is owner of flat bearing No.601 in the residential complex known as 'Varshini Mansion, on Plot Nos.29/4 and 29/5, in Survey Nos.119 to 125 and 130, 131, 133 to 140, situated at Deepthi Sree Nagar Colony, Hafeezpet Village and since she is living in United States of America, petitioner is residing in the said flat and he is in possession of the same. Petitioner alleges that on 27.04.2015, the officials of the 2nd respondent came to the subject flat and straight away without issuing any notice, threatened to demolish the subject flat and on his enquiries with the officials, he came to know that notices were

issued earlier and since no explanation was submitted, the officials of the 2nd respondent have taken steps to demolish the illegal flat. On request, copy of notice dated 16.04.2015 issued under Section 636 of the Greater Hyderabad Municipal Corporation Act, 1955 was provided to petitioner. The petitioner further alleges that notice dated 16.4.2015 was issued to Smt Ch.Padmalatha and Smt Radhika Mohan who are nothing to do with the subject flat and that without issuing any notice and following due process of law, the respondents are trying to demolish the subject flat. Hence, this writ petition.

4. When it is specifically alleged that the petitioner was not put on notice, in the interest of justice the petitioner be given further opportunity. The Writ Petition is disposed of directing the Deputy Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad (2nd respondent) to treat the impugned notice dated 16.04.2015 as show cause notice. The petitioner shall submit his explanation within a period of four (4) weeks from the date of receipt of a copy of this order and on receipt of the said explanation, the respondent Corporation shall consider the same and pass appropriate orders as warranted by law, within a period of two (2) weeks thereafter and communicate the decision to the petitioner. Till the orders as directed above are passed, no coercive steps shall be taken against the petitioner. 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: 13th July, 2015

KL /tvk



HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-

-
-
-
-
-
-
-
-
-

WRIT PETITION No.13211 of 2015

-

Date: 13th July, 2015

KL