

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.6318 of 2015

Date: 11-03-2015

Between:

Delicacies Restaurant, represented by its Proprietor,

I. Madhu, S/o Gandhi

.. Petitioner

AND

The Greater Visakhapatnam Municipal Corporation,

Represented by its Commissioner, Visakhapatnam.

.. Respondent

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.6318 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the impugned notice in Rc.No.2317/2015/ACP-II, dated 23-02-2015 issued by the respondent Corporation as illegal, arbitrary and violative of principles of natural justice.

2. The grievance of the petitioner is that the petitioner restaurant was established in the year 1992 and doing business of food preparation and supplying in the restaurant premises only by paying monthly rent of Rs.1500/-, which is being increased from time to time and presently, the petitioner is

paying a monthly rent of Rs.17,000/- to the landlord. It is also stated that the respondent issued a notice under Sections 452 and 461 of the Greater Hyderabad Municipal Corporation Act in Rc.No.2317/2015 ACP-II, dated 23-02-2015 alleging that the petitioner has converted the cellar floor/stilt floor, which is earmarked for parking area into commercial purpose in violation of the rules and regulations. Pursuant to the said notice, the petitioner submitted its explanation on 03-03-2015, but no orders are passed thereon. However, the respondent Corporation is trying to demolish the petitioner restaurant alleging that the petitioner restaurant was constructed in violation of the approved plan. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the learned standing counsel for the respondent.

4. Since it is stated that the petitioner restaurant has already submitted its explanation to the show cause notice dated 23-02-2015 issued by the respondent Corporation, it is for the competent authority to consider the same and take appropriate action thereon in accordance with law.

Accordingly, the writ petition is disposed of directing the respondent Corporation to consider the explanation of the petitioner dated 03-03-2015 and take appropriate action thereon in accordance with law. Till such decision is taken by the respondent Corporation, status quo obtaining as on today shall be maintained. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 11-03-2015

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