

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

**FRIDAY, THE EIGHTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.30652 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:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30652 of 2015

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ORDER:

Heard the learned Senior Counsel for the petitioners, Sri Vedula Srinivas, learned counsel for the 4th respondent and Sri T. Balaswamy, learned Standing Counsel for the respondent Municipal Corporation for respondents 1 to 3 and with the consent of all the learned counsel, the writ petition is disposed of at the admission stage.

2. The petitioners challenge the final notice under Section 456 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), dated 12.09.2015, on various grounds.

3. Apart from making several contentions on merits, learned Senior Counsel for the petitioners submits that on account of the very short time granted, i.e., 24 hours to the petitioners to remove the subject building, the petitioners are unable to work out their remedies as available under Section 654(6) of the Act, i.e., to prefer appeal before the competent civil Court and when the appeal provision enables the aggrieved parties to prefer appeal within a period of 30 days, there is no justification

to fix only 24 hours of time and the learned Senior Counsel for the petitioners fairly submits that a reasonable time be granted to the petitioners to work out their remedies.

4. Learned counsel appearing for the 4th respondent submits that the orders are passed on the directions issued by this Court in W.P.No.15012 of 2015 and that in view of the serious structural defects and strength of the building, based on the reports of Jawaharlal Nehru Technological University, Kakinada, and Siddhartha Engineering College, Vijayawada, the impugned order is passed. The 4th respondent being the owner of the building, if any harm is caused in the meantime, the burden would be thrust on him and, therefore, he is worried and desires that as early as possible the building should be demolished.

5. Having regard to the provision contained in Section 654(6) of the Act and in view of the fact that only short time is granted to the petitioners in the impugned order, dated 12.09.2015, served on 16.09.2015, I am inclined to grant time till 23.09.2015 to enable the petitioners to work out their remedies.

6. The Writ Petition is, accordingly, disposed of directing the respondent Municipal Corporation not to take any coercive steps against the petitioners till

23.09.2015. 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: 18th September, 2015

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Note: Issue C.C. today.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 18th September, 2015

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