

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

WRIT PETITION NO. 18108 of 2015

Between :

M Seema W/o Nanda Kishre
R/o Prakash nagar, Begumpet,
Secunderabad

.... Petitioner

And

Greater Hyderabad Municipal Corporation,
Rep by its Commissioner
Lower Tank Bund, Hyderabad and others

.... Respondents

DATE OF JUDGMENT PRONOUNCED

:22-07-2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : / No
To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : / No
Copy of the Judgment ? :

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 18108 of 2015

ORAL ORDER:

According to petitioner, 4th respondent is making illegal constructions without due permissions and that in spite of submitting several complaints, no action is taken.

2. When the matter is taken up, learned standing counsel, on instructions, submits that notice under Section 452 of GHMC Act was issued on 17.6.2015. However, 4th respondent filed O.S. No. 300 of 2015 on the file of the XI Junior Civil Judge, Secunderabad and by order dated 26.6.2015 in I.A. No. 328 of 2015, the Court directed the defendants therein not to interfere with the petitioner's possession until filing of counter by defendant.

3. As observed by the Court below in the penultimate para of order dated 26.6.2015, it is permissible for the respondent corporation to proceed by issuing notice to the petitioner. Thus, in accordance with provisions of GHMC Act, respondent corporation is competent to take further action consequent to issuance of notice under Section 452 of the HMC Act but under the guise of the order passed by the Court below no further action is taken. The only requirement as ordered by the Court below is not to dispossess until counter affidavit is filed.

4. In the circumstances, writ petition is disposed of directing the respondent corporation to take appropriate course of action as warranted by law as a consequence to notice under Section 452 of the GHMC Act as expeditiously as possible preferably within a period of six weeks from the date of receipt of copy of this order by putting the 4th respondent on notice and giving him due opportunity of hearing. It is stated by learned standing counsel for respondent corporation, on instructions, that the work of construction is stopped. The respondent corporation shall ensure that no further construction takes place until issue is resolved. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:22.7.2015

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HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 18108 of 2015

Date: 22.7.2015

