

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 22015 of 2016

ORDER:

Heard learned counsel for the petitioners and Sri Sampath Prabhakar, learned Standing Counsel for GHMC.

With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

The present Writ Petition came to be filed with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring the impugned notice No.007/UC/W.No.115/CIR-14A/WZ/GHMC/2016, dated 04.07.2016 under Section 636 of GHMC Act, 1955, issued by the third respondent, as illegal, arbitrary and unconstitutional. Consequently, direct the respondents not to interfere with the possession of the petitioners over the schedule property i.e.H.No.195/HIG(MCH H.No.15-29-1000/H-195) at Ph-I KPHB Colony, Kukatpally, Rangareddy District, admeasuring 285.42 square yards or 238.63 square meters and be pleased to pass such other and further order or order as deemed fit and proper in the circumstances of the case’.

The main plea taken by the learned counsel for the petitioners is that notices under Sections 636 of GHMC Act (for short, ‘the Act’) was issued directly without issuing notice under Section 452(2). Further, when the same was questioned, the respondents issued notices under Section 452(1) and 452(2) of the Act on 08.06.2016 and 22.06.2016 to the petitioners’ watchmen but not to the petitioners. It is his case that in view of the above, they could not submit their explanation to the respondents.

Learned Standing Counsel submits that notice under Section 452(1) was issued on 08.06.2016 and notice under Section 452(2) was issued on 22.06.2016. He disputes the fact that all the notices were served on the watchmen of the petitioners. In any event, he submits that

petitioners may be given an opportunity to submit their explanations within a week from today.

Recording the above submissions, the writ petition is disposed of directing the petitioners to submit their explanation treating the notice under Section 636 as notice under Section 452(1) of the Act, within a week from the date of receipt of a copy of this order, in which event, the authorities shall take steps to pass appropriate order after giving an opportunity of personal hearing to the petitioners and the affected parties and take further action, in accordance with law.

It is needless to mention that the petitioners shall not undertake any construction till such time.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

05.07.2016,
vnb