

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.17165 OF 2012

ORDER :

Heard counsel for the petitioner and Sri Chatla Madhu, Standing Counsel for respondents.

2. A notice dt.18.05.2012 under Section 452(2) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') was issued to the petitioner alleging that the petitioner is proceeding with unauthorized construction of the building consisting of Ground + 4 floors at premises No.1-11-110/26/D situated at Shyamlal buildings, Begumpet, Secunderabad without obtaining prior building permission from the Greater Hyderabad Municipal Corporation(GHMC) as required under Section 428 and 433 of the Act. Thereafter an order dt.02.06.2012 under Section 636 of the Act was also passed alleging that the petitioner did not submit any reply, that he did not stop the construction, and so he should remove the said constructions in 24 hours.

3. Counsel for the petitioner contends that the petitioner was not in Hyderabad at the time when the notice under Section 452 of the Act dt.18.05.2012 was issued; that the said notice was found affixed to the wall of the petitioner's structure; and immediately gave representations dt.08.06.2012 and 09.06.2012 disputing the contents of notice dt.18.05.2012; and praying to reconsider the action under Section 636 of the Act in the light of these two representations.

4. The Standing Counsel for the respondents is also agreeable for the respondents to consider the petitioner's representations and then pass a fresh order.

5. In view of the same, the order dt.02.06.2012 passed by the 1st respondent is set aside; the 1st respondent is directed to consider the petitioner's representations dt.08.06.2012 and 09.06.2012 within a

period of six (06) weeks from the date of receipt of a copy of this order and pass a fresh order in accordance with law and communicate the same to the petitioner.

6. The Writ Petition is allowed to the above extent. There shall be no order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

29th February, 2016.

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