

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.9347 of 2016

ORDER:

Heard Smt. Jyothi Eswar Gogineni, learned counsel for the petitioner, and Sri P. Keshava Rao, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC).

The prayer of the petitioner in this case is as under:

“It is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order of direction more particularly one in the nature of writ of Mandamus declaring the proceedings No.380/ACP/TPS/C9A/CZ/GHMC/2015, dt. 22-2-2016 issued by the 3rd respondent by cancelling the building permission No. 42006/DC/CZ/Cir-9/GHMC/2014 dated 20-05-2015 granted in favour of the petitioner without considering the petitioner's objections dated 16.11.2015 is illegal, arbitrary, unconstitutional and consequently set a side the same as illegal, arbitrary, violative of the principals of natural justice contrary to the provisions of Hyderabad Municipal Corporation Act 1955 and to pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.”

Perusal of the impugned proceedings dated 22.02.2016, whereby the GHMC revoked the building permission granted in favour of the petitioner, reflects that the GHMC was under the impression that despite service of notice, the petitioner had failed to submit a reply/explanation and accordingly proceeded in the matter.

However, Smt. Jyothi Eswar Gogineni learned counsel, pointed out that the petitioner did, in fact, file explanation dated 16/17.11.15 to the show cause notice dated 16.10.2015 and receipt of this explanation by the GHMC is borne out by the stamp affixed on the copy thereof filed before this Court along with the date 17.11.2015. It is therefore clear that the GHMC was under the misconception that the petitioner had failed to respond to the notice issued to him.

On this short ground, the impugned proceedings dated 22.02.2016 are set aside and the matter is remitted to the GHMC for consideration afresh duly taking into account the petitioner's explanation dated 16/17.11.2015. The GHMC shall thereupon pass

fresh reasoned orders in accordance with law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order. Pending such exercise, no coercive steps shall be taken against the petitioner.

The writ petition is allowed to the extent indicated above.

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

JUSTICE SANJAY KUMAR

Date:22.03.2016

GJ