

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.878 of 2016

Date:07.01.2016

Between:

Sri Durga Taxi Owners and Drivers
Welfare Association, Rajahmundry,
reptd by its President-Muchikarla
Satyanarayana, S/o Rama Murthy

..... Petitioner

And:

The State of A.P., reptd, by its
Principal Secretary, Municipal Admn.
& Urban Development Department,
Hyderabad and another.

.....Respondents

Counsel for the Petitioners: Mr. Jalakam Sampath Kumar

Counsel for Respondent No.1: GP for Municipal Admn. (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.2, in issuing show cause notice, vide UC.No.10/2015/Circle-8, dated 22.12.2015, as illegal and arbitrary.

The petitioner, who claims to be using a part of public property for running an office for a number of years, feels aggrieved by show cause notice, dated 22.12.2015, whereby respondent No.2 has called upon it to show cause why the unauthorised shed erected by it contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 (for

short 'the Act') shall not be removed departmentally. The petitioner pleaded that in response to the show cause notice, it has submitted its explanation on 26.12.2015. Apprehending that without considering its explanation and without passing any order, respondent No.2 may remove the temporary shed erected by it, the petitioner has filed this Writ Petition.

At the hearing, Mr. Ancha Pandu Ranga Rao, learned Standing Counsel for Rajahmundry Municipal Corporation, has submitted that respondent No.2 has received the explanation submitted by the petitioner and that before proceeding with further action, respondent No.2 will consider the petitioner's explanation, take a decision and communicate the same to the petitioner.

Inasmuch as the property over which the petitioner has raised a shed is vested in respondent No.2, this Court cannot interdict the action initiated by respondent No.2 under the provisions of the Act.

As the learned Standing Counsel for respondent No.2 has assured that before taking further action, the Corporation will pass an appropriate order on considering the explanation of the petitioner, the apprehension of the petitioner that respondent No.2 may take action without taking a decision on its explanation stands allayed.

In the light of the above facts and circumstances of the case, I do not find any reason to entertain this Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.Nos.1061 and 1063 of 2016 are disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*07th January, 2016
DR*