

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 22638 of 2016

ORDER:

The present writ petition is filed with the following prayer:

“For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue an order, writ or direction more particularly one in the nature of writ of Mandamus declaring the action of respondents more particularly respondent No.2 in issuing impugned notice in the month of January, 2016 served on 04.06.2016 under Section 452 of Hyderabad Municipal Corporation Act, 1955 in respect of Subject Property bearing Plot No.5, admeasuring 445.88 square meters, in Survey No.668/3, in LP No.141/90, opposite to Bezwada Gopal Reddy Circle, situated at mini bye-pass road, Nellore, Nellore District pending regularization application dated 18.08.2015 bearing No.BPS/NEL/MO/26/6038815 under Building Penalization Scheme as illegal, arbitrary, unjust, against to the principles of natural justice and law, consequently to set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case and in the interest of justice.”

A perusal of the impugned order shows that in the month of June, 2016, a notice under Section 452 of Hyderabad Municipal Corporation Act came to be issued asking the petitioner to remove the illegal construction made, within a period of seven days from the date of receipt of the said notice, failing which, it was intimated to him that action would be initiated as per law. Pursuant thereto the petitioner is said to have submitted an explanation on 08.07.2016, which is still pending consideration.

In view of the above, the authorities shall not take any coercive steps till appropriate orders are passed in accordance with law, on the explanation dated 08.07.2016, submitted by the petitioner, which in any event shall not be later than four weeks from the date of receipt of a copy of the order.

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

**JUSTICE C. PRAVEEN
KUMAR**

13.07.2016
vhb