

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.37873 of 2016

Date: 11.11.2016

Between:

K.Balraj Goud, S/o Chinna Veeraiah Goud,
Aged about 61 years, Occu: Business,
R/o H.No.4-8-276, Ward No.4, Alampally,
Vikarabad, Vikarabad District and another.

.....Petitioners

and

The State of Telangana, rep.by its Principal
Secretary, Municipal Administration and Urban
Development, Secretariat Buildings,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioners claimed to be the tenants of the subject building. Petitioners challenge the notice dated 27.09.2016. By the said notice, petitioners were informed that the building, in which petitioners are now running business, is in a dilapidated condition and requires to be demolished.

2. Learned counsel for petitioners submits that without giving prior notice or due opportunity, straightaway orders were passed to remove the building. He would submit that building is not in such a dilapidated condition as alleged and if only a show cause notice was issued to submit their explanation, they would have substantiated their claim.

3. A bare perusal of the notice under challenge would show that in the reference second cited, the Commissioner refers to an alleged final notice, which is nothing but same notice of the same date. This clearly shows lack of seriousness in attending to administrative work, more particularly when such decision has adverse civil and evil consequences on the persons concerned. It is hoped and expected that the Commissioner would be very careful in future in dealing with such matters.

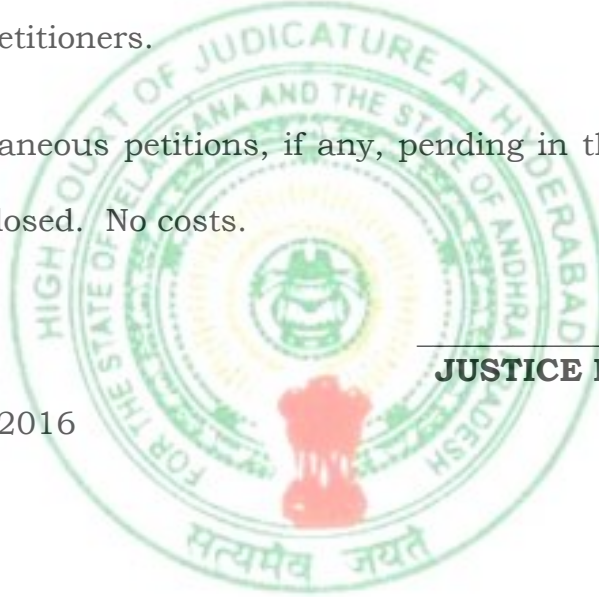
4. At this stage, learned standing counsel fairly submits that said notice would be treated as show cause notice and petitioners be directed to file explanation/representation.

5. Having regard to the said submissions, the writ petition is disposed of directing the Commissioner to treat the notice dated 27.09.2016 as show cause notice. Petitioners shall submit their explanation to the said show cause notice enclosing all relevant documents in support of their claim about the status of the building within a period of two weeks from the date of receipt of copy of this order. On receipt of such representation/ explanation, if necessary by putting the owner of the property on notice, the Commissioner shall pass appropriate orders as warranted by law. Till final orders are passed, no coercive action should be taken against the petitioners.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

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