

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.5082 of 2016

ORDER:

The grievance of the petitioners in relation to the impugned proceedings dated 08.02.2016 passed by the Commissioner, Greater Hyderabad Municipal Corporation (GHMC) is that no opportunity of hearing was afforded to them by the present incumbent in the office of the Commissioner, GHMC, in terms of the order dated 29.06.2015 passed by this Court in W.P.NO.16563 of 2015.

It is specifically contended by Sri M.V.Pratap Kumar, learned counsel for the petitioners, that the predecessor-in-office of the present Commissioner heard the matter and the present incumbent baldly passed an order without personally giving an opportunity of hearing to the parties. Learned counsel would point out that this Court specifically required the Commissioner, GHMC, to give an opportunity of personal hearing to the parties in its order in W.P.No.16563 of 2015.

That apart, in the light of the law laid down by the Supreme Court in **Union of India v. Shiv Raj**^[1] that the very Officer who accords the hearing to an objector must take a decision on such objection and in the event his successor decides the case without giving a fresh hearing the order would stand vitiated, the impugned proceedings dated 08.02.2016 necessarily have to be set aside. As the matter is being decided on this short point without adjudication of any issue on merits, this Court does not deem it necessary to put the unofficial respondents on notice.

The writ petition is accordingly allowed setting aside the impugned proceedings dated 08.02.2016 and remitting the matter to the file of the Commissioner, GHMC, for passing orders afresh in due compliance with the directions of this Court in W.P.No.16563 of 2015 and in accordance with law.

As the impugned proceedings have now been set aside, the Commissioner, GHMC, shall ensure that no effect is given thereto.

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

SANJAY KUMAR, J

Date:17.02.2016

GJ

[\[1\]](#) (2014) 6 SCC 564