

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.10097 of 2016

ORDER:

Heard Sri Srinivas, learned counsel representing Sri B.V.V.S. Murthy, learned counsel for the petitioner, and Sri Chatla Madhu, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC).

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

“to issue a writ more in the nature of writ of Mandamus declaring the action of the Respondent No.2 in issuing unreasoned order under Section 461-A of HMC Act, 1955 vide order No.445-3/W-6/TPS/C-18/NZ/GHMC/2016 dated 26.03.2016 by directing the 3rd respondent to seal the building immediately on 28.03.2016 without assigning any reasons or without considering explanations/ representations dated 05.12.2015 and 14.03.2016 as arbitrary, illegal, discriminative, in violation of principles of natural justice, violative of the Fundamental Right guaranteed under Articles 14 and 300-A and the Constitutional Right guaranteed, and contrary to the provision of HMC Act, 1955 and the Zoning regulations and rules made therein and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

Perusal of the order dated 26.03.2016 reflects that it is completely bereft of reasons. Having referred to the fact that a show cause notice was issued to the petitioner and a reply had been submitted thereto, the Deputy Commissioner of the GHMC baldly stated as under:

“the reply dated 14.03.2016 was examined and vide reference 10th cited the request made by Sri/Smt. Santosh Jain has been rejected/Sri/Smt..... to the above said show-cause notice.”

When the order passed by the authority visited adverse civil consequences upon the citizen, the authority is bound to furnish reasons for the decision taken. This requirement is read into the principles of natural justice. The impugned order dated 26.03.2016 falls woefully short of this requirement.

On this short ground, the impugned order dated 26.03.2016 is set aside and the matter is remitted to the file of the authority for

consideration afresh. It shall be open to the petitioner to supplement her reply with a fresh representation and other material if she so chooses. This shall be done by her within three (3) days from today and the authority shall thereupon reconsider the matter and take appropriate action in accordance with law. In the event a decision is taken against the petitioner, detailed reasons shall be recorded and a copy of the order shall be communicated to the petitioner.

The writ petition is accordingly allowed.

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

JUSTICE SANJAY KUMAR

Date:28.03.2016

-

Note:

Furnish C.C. today.

(B/o)

PGS