

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.22382 OF 2016

ORDER:

Heard Sri Venugopal, learned Senior Counsel, representing Sri T.V. Kalyan Singh, learned counsel for the petitioner; learned Government Pleader for Municipal Administration and Urban Development, appearing for respondent No.1; and Sri V. Satyam Reddy, learned Standing Counsel for Municipal Corporation of Nizamabad, appearing for respondent Nos.2. With the consent of the learned counsel appearing for the parties, the writ petition is being disposed of, at the admission stage.

2 . The present writ petition came to be filed seeking the following relief :

- (a) “..... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the show cause notice No.TPS-II/U.C./TMS.5726/2016, dated 03.06.2016, issued by the 2nd respondent in respect of the property situated at H.No.5-6-570/7 at Yellammagutta, Nizamabad, as being illegal, arbitrary, violative of Articles 14, 21 and 300-A of the Constitution of India and set aside the same.....”

3. The learned Senior Counsel appearing for the petitioner submits that the impugned show cause notice dated 03.06.2016 itself indicates that the authorities are bent upon to demolish the constructed portion of the house bearing H.No.5-6-570/7, situated at Yellammagutta, Nizamabad, without giving any opportunity of hearing to the petitioner.

4. The same is disputed by Sri V. Satyam Reddy, learned

Standing Counsel for Municipal Corporation of Nizamabad.

5. A perusal of the impugned show cause notice dated 03.06.2016 issued under Section 452(1) and 461(1) of Hyderabad Municipal Corporation Act, 1955 would show that the petitioner herein is directed to stop the construction work, forthwith, and submit a reply within a period of seven days from the date of receipt of the said notice, failing which further action will be taken to remove, alter or pull down the deviated portion/unauthorized construction.

6. It is stated that the petitioner has not submitted any reply to the said show cause notice till date, as the said notice was served after expiry of seven days.

7. Since no further action has been initiated pursuant to the said show cause notice till date, this writ petition is disposed of directing the petitioner to file objections to the said show cause notice dated 03.06.2016 within a period of one week from today, in which event, the authorities shall pass appropriate orders in accordance with law, after giving an opportunity of hearing to the petitioner. Till such time, the respondents shall not take any coercive steps against the subject property of the petitioner. It is needless to mention that the petitioner shall not make any further construction in deviation of the sanctioned plan.

8. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

12.07.2016

Msr

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