

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.14927 OF 2016

ORDER:

Heard Sri Gaddam Srinivas, learned counsel for the petitioner, and Sri Chatla Madhu, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a direction, order or writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.3 in proposing to construct the compound wall in the Petitioner’s property i.e., H.No.1-7-120/1/1, on Plot No.138/1, in Sy.No.60, 61, 62 & 63 part, admeasuring 667 Sq. yards, situated at Reddy Enclave, Sri Venkateswara Colony, Alwal Village, under GHMC, Alwal Circle, Malkajgiri Mandal, Ranga Reddy district, vide Notice No.TPS/C16/NZ/GHMC/2015, dated 4.1.2016, without issuing any notice to the Petitioner and without conducting enquiry, as arbitrary, illegal, in flagrant violation of Principles of natural justice and consequently set aside the Notice No.TPS/C16/NZ/GHMC/2015, dated 4.1.2016, issued by the Respondent No.3, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Perusal of the impugned notice dated 04.01.2016 reflects that the petitioner was not put on prior notice before the said notice was issued. This is contrary to the direction of this Court in W.P.No.11518 of 2008 vide final order dated 12.09.2014. This Court specifically required the municipal authorities to issue appropriate notice to the petitioner and only thereafter take necessary action. However, the impugned notice dated 04.01.2016 does not reflect any such notice having been given to the petitioner.

Sri Gaddam Srinivas, learned counsel for the petitioner, would also state that the petitioner was not put on any notice before the impugned notice was issued.

That being so, the impugned notice is set aside on this short ground. It shall be open to the municipal authorities to abide by the procedure as directed by this Court in W.P.No.11518 of 2008 and take necessary action afresh. This exercise shall be completed expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order.

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**

27th April, 2016
IBL/PGS