

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.4251 of 2016

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10.02.2016

Between:

Putta Srinu and others

.. Petitioners

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.Challa Ajay Kumar

Counsel for respondent No.1: Assistant Government Pleader for
Municipal Administration and Urban Development (TS)

Counsel for respondent No.2:Assistant Government Pleader for Revenue
(TS)

Counsel for respondent No.3: --

The Court made the following:

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ORDER:

The petitioners, whose leases expired three years back and are, however, still allowed to continue in the absence of auction, have filed this writ petition feeling aggrieved by the separate, but identical notices, dated 04.02.2016, issued to them by respondent No.3, wherein they have been directed to vacate the shops in their occupation, within seven days of receipt of the said notices, as respondent No.3 is seeking to construct a modern mutton and fish market.

One of the main grounds, on which the impugned notices have been questioned in this writ petition, is that without issuing show cause notice and giving the petitioners an opportunity of being heard, respondent No.3 has straight away directed them to vacate the shops in their occupation. I find merit in this plea of the petitioners. As the petitioners are in long standing possession and paying rents regularly, the principles of natural justice require that they be heard before a decision to evict them is taken, more so, when they plead that there is absolutely no need for removing the existing building, as the proposed modern market is planned to be built behind the existing building, in which the petitioners have been carrying on their respective businesses.

In the above view of the matter, the petitioners are permitted to treat the impugned notices as the show cause notices and they are provided with two weeks time from today for submitting their objections. Respondent No.3 shall consider these objections and take an informed decision with reasons in writing and communicate the same to the petitioners before proceeding further.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.5444 of 2016 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

10th February, 2016

GHN