

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 21999 of 2016

ORDER:

Heard learned counsel for the petitioners and Sri Sampath Prabhakar, learned Standing Counsel for GHMC.

With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

The present Writ Petition came to be filed with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of respondents-municipal authority as illegal and arbitrary and suspend the notice issued by respondent No.3 to the second petitioner on 30.06.2016, vide notice No.35/UC/TPS/C14/B/ACP/WZ/2016, under Section 452(1) and 461(1) of the HMC Act and consequently direct the respondents-authority not to demolish the compound wall, security room and toilet room, during pendency of the writ petition and to pass such other order or orders as deemed fit and proper in the circumstances of the case’.

Learned counsel for the petitioners submits that respondents are trying to demolish the compound wall, security room and toilet room stating that the same are unauthorized constructions. The same is disputed by the learned Standing Counsel. But however, submits that the writ petition itself may be disposed of directing the petitioners to give an explanation to the notice dated 30.06.2016, issued under Section 452(1) and 461(1) of the Act. To which the petitioners claim that they have submitted an explanation for being in

possession of the said land.

Accordingly, the writ petition is disposed of directing the respondents not to take coercive steps against the said constructions, without following due process of law.

It is needles to mention that orders on the representation, if it is still pending, be passed in accordance with law, at the earliest, preferably within a period of ten days from the date of receipt of a copy of this order. Meanwhile the petitioners shall also not proceed with further construction.

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

JUSTICE C.PRAVEEN KUMAR

05.07.2016,
vhb