

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 43737, 43959, 43961 and 43962

Date :19.12.2016

WP 43737 of 2016

Between :

Peddakolimi Shankara chary S/o P Narasimha Chary
R/o Plot No. 32, Dwarakamai colony,
Old Safilguda, Malkajgiri, R R District

Petitioner

And

The State of Telangana
Rep by its Principal Secretary, Municipal Admn Dept
Secretariat , Hyderabad and others

Respondents

The Court made the following:



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COMMON ORDER:

These writ petitions are filed challenging the orders of competent authority issued under Section 636 of Hyderabad Municipal Corporation Act, 1955 (for short the Act) dated 30.11.2016, as such they are being disposed of by this common order.

2. Heard learned counsel for petitioners, learned Government Pleader for Municipal Administration and Sri Chatla Madhu, learned standing counsel for respondents 2 and 3 and with their consent, writ petitions are disposed of at the stage of admission.

3. Contention of the learned counsel for petitioners is that earlier petitioners filed W P No. 41145, 41151, 41124 of 2016 questioning notices dated 8.11.2016 and W.P.41113 of 2016 questioning notice dated 2.11.2016 issued under Section 452 (2) of the Act, alleging that no prior opportunity was given and no opportunity is given before taking coercive action. This Court disposed of said writ petitions by order dated 25.11.2016 granting liberty to the petitioners to submit explanations to the notices issued under Section 452 (2) of the Act within a period of two weeks. Petitioners submitted their explanations on 29.11.2016. Learned counsel contends that even though explanations were received on 29.11.2016, without considering the explanations, orders are passed under Section 636 of the Act, and the same is ex-facie illegal.

4. Having regard to these submissions, learned standing counsel was directed to obtain instructions.

5. Learned standing counsel produced the orders passed by the competent authority dated 13.12.2016. Perusal of the orders would show that in obedience to the directions issued by this Court in the writ petitions filed by the petitioners and on consideration of explanations submitted by them on 29.11.2016, orders are passed. Learned standing counsel submits that by the time Section 636

notice was issued, the competent authority was not aware of the directions issued by this Court. Thus, when competent authority was informed of the directions of this Court, in obedience to the directions of this Court, the explanations submitted by petitioners were considered and orders dated 13.12.2016, are passed. He submits that notice issued under Section 636 of the Act was not given effect to. He would further submit that orders dated 13.12.2016 are served on all the petitioners.

6. Since detailed orders are passed in terms of directions of this Court, which orders are not challenged in these writ petitions, these writ petitions are liable to be dismissed and accordingly dismissed granting liberty to the petitioners to avail such remedies as available under law, if aggrieved by orders dated 13.12.2016. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE: 19.12.2016
TVK



P NAVEEN RAO,J

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