

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.7123 OF 2016

ORDER

Heard Sri Ganta Rama Rao, learned counsel for the petitioner and Sri Pasam Krishna Reddy, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC).

Challenge in this writ petition is to the notice dated 26.02.2016 issued by the Deputy Commissioner, L.B.Nagar, Circle 3A, GHMC. This notice called upon the petitioner and the owner of the building to remove the cell tower within 24 hours. Admittedly, this notice was preceded by the show-cause notice dated 18.02.2016, in response to which the petitioner filed a four page reply dated 22.02.2016. However, the Deputy Commissioner baldly dismissed this reply without even indicating as to why it was not found satisfactory. The relevant para in the impugned notice dealing with this aspect of the matter reads as under:

‘Aggrieved to the above said notice, M/s Viom Networks Ltd, Vide reference 2nd cited has submitted the reply to this office and the same has been examined in detail and found that the reply submitted is not satisfied.’

It is now a settled position of law that reasons require to be furnished and this requirement has gained recognition as one of the principles of natural justice. All the more so, when the order passed by the authority results in adverse civil consequences.

In the light of the aforestated legal position, the terse and cryptic order passed by the GHMC cannot be countenanced. The impugned notice dated 26.02.2016 is accordingly set aside on this short ground. The matter shall be considered afresh by the GHMC, duly taking into account the detailed reply submitted by the petitioner. A reasoned order shall be passed and duly communicated to the petitioner thereafter.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions shall stand closed. No order as to costs.

SANJAY KUMAR, J

3rd MARCH, 2016

Note: Issue C.C. by tomorrow.
B/o Svv