

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.37557 OF 2016**

**DATED : 02.11.2016**

Between :

Mrs. Veena Prakash W/o.late Shiva Prakash,  
Aged about 40 yrs, Occu : Business,  
R/o.Nakkalagutta, Hanamkonda Mandal,  
Warangal District.

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Petitioner

And

State of Telangana, rep., by its Principal Secretary,  
Municipal Administration Department,  
Secretariat, Hyderabad & 2 others.

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Respondents



This court made the following :

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO****WRIT PETITION No.37557 of 2016****ORDER :**

Petitioner challenges the notice of the 2<sup>nd</sup> respondent directing the petitioner for removal of compound wall on the ground that petitioner is in encroachment of Nala/Water Channel boundaries.

Learned counsel for the petitioner would submit that valid permission was granted by the Municipality and the said compound wall was constructed long ago. Therefore, the action of the respondents in directing removal of compound wall without following the due process, is illegal.

Learned Standing counsel would fairly submit that no prior notice was issued to the petitioner before directing to remove the compound wall and in support of the said contention, placed reliance on the provision under Section 405 of the Hyderabad Municipal Corporation Act, 1955.

Since no prior notice was issued, I am of the opinion that it would be suffice in the interest of justice, if the respondents are directed to treat the notice dated 21.10.2016 as show cause notice, and the petitioner to submit her explanation within a period of one week from today and enclose all the relevant documents in support of the stand of the petitioner. On receipt of such explanation as directed above, or if no explanation is filed within one week from today, the respondents are at liberty to pass a reasoned order as warranted by law and to take all consequential steps. Till the final orders are passed as directed above, no coercive steps shall be taken against the petitioner.

With the above direction, the writ petition is disposed of.  
There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**P.NAVEEN RAO,J**

2<sup>nd</sup> November, 2016  
Note : Issue C.C., by tomorrow.  
B/o.  
Rds

