

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7389 OF 2016

ORDER:

Heard Sri C. Raghu, learned counsel for the petitioner, and Sri P. Krishna Reddy, learned Standing Counsel for the respondent Corporation.

Challenge in this writ petition is to the order dated 09.02.2016 passed by the Greater Hyderabad Municipal Corporation (GHMC) under Section 452(2) of the Greater Hyderabad Municipal Corporation Act, 1955. It appears that the afore-stated order was in consequence to the order dated 17.11.2015 passed by this Court in W.P.No.13107 of 2015. The said writ petition was filed in relation to the alleged construction made by the petitioner without obtaining building permission. This Court directed the GHMC to follow the due procedure and take appropriate action. Even prior thereto, pursuant to the show-cause notice dated 12.01.2015, the petitioner had submitted reply dated 02.02.2015. Receipt of this reply is evidenced by the stamp affixed thereon by the office of the Deputy Commissioner, GHMC, with the endorsement dated 07.02.2015. Despite the same, the impugned order dated 09.02.2016 records that no reply was submitted by the petitioner.

As this Court had directed the GHMC to follow the due procedure and the same required the GHMC to consider the petitioner's reply to the show-cause notice, the impugned order, which proceeded on the assumption that no reply had been filed, is unsustainable.

The impugned order is therefore set aside on this short ground and the matter is remitted to the file of the GHMC for consideration afresh, duly taking into account the petitioner's reply dated 02.02.2015 which was received on 07.02.2015. The GHMC shall not take any coercive measures pending the fresh consideration and at the same time, the petitioner shall not make any construction or reconstruction till the disposal of the matter by the GHMC.

The writ petition is disposed of with the above directions.
Pending miscellaneous petitions, if any, shall stand closed in the light
of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

8th March, 2016
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