

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8426 of 2009

ORDER:

1. The petitioner states that he is the owner and possessor of land and building in premises No.6-3-883/1, Punjagutta, Hyderabad. The building was constructed under an approved plan and deviations were regularized under G.O.Ms.No.419 M.A. dated 30.07.1998. When there was a proposal for acquiring a part of the property for the purpose of road widening, the petitioner filed his objections seeking to restrict the widening of the road, but no action was taken after receipt of the objections. While so, the 3rd respondent issued a notice on 12.05.2008 under Section 452 of the Hyderabad Municipal Corporation Act 1955 stating that the building was constructed by violating the Permit No.32/27 dated 26.08.1987. The petitioner submitted a detailed reply on 16.05.2008. At that stage, the petitioner filed the present writ petition challenging the notice issued under Section 452 of the H.M.C. Act on 12.05.2008 and also the proceedings dated 10.06.2008 asking the petitioner to close his business.

2. Even after seven years, no counter-affidavit is filed by the respondents.

3. In view of the explanations submitted by the petitioner on 16.05.2008 and 01.08.2008 to the show cause notice dated 12.05.2008, without expressing any opinion on the merits of the case, this Writ

Petition is disposed of directing the respondents to consider the explanations submitted by the petitioner and pass appropriate orders thereon in accordance with law. Till such time, the respondents shall not interfere with the building owned and possessed by the petitioner except in accordance with law.

4. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

15-11-2016
Gsn



A.RAMALINGESWARA RAO, J