

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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WRIT PETITION No.20276 OF 2016
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ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Municipal Administration and Urban Development for 1st respondent and Smt Pingali Laxmi, learned Standing Counsel for respondent No.2. With the consent of both the counsel, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed seeking to declare the action of the 2nd respondent in issuing Notice No.03/UC/W.No.32/CIR-9/WMC/2016, dated 08.06.2016 under Section 452 (2) of the Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), without taking into consideration the explanation submitted by the petitioner on 28.05.2016, as arbitrary and illegal and consequently to set aside the same.

3. Learned counsel for the petitioner mainly submits that earlier the petitioner filed W.P.No.18044 of 2016 challenging the notice, dated 26.05.2016, issued under Section 452 (1) and 461 (1) of the Act and the same was disposed of on 09.06.2016 directing the 2nd respondent to pass orders on the explanation, dated 28.05.2016, submitted by the petitioner to the show cause notice, dated 26.05.2016, as early as possible. Despite the same, the 2nd respondent issued the impugned notice, dated 08.06.2016 contrary to the order passed by this Court and till today no action has been taken on the explanation submitted by the petitioner.

4. Learned Standing Counsel for respondent No.1 strongly opposed the same stating that the petitioner has constructed the

building without obtaining any permission and it is in FTL area. She further stated that the impugned notice under Section 452 (2) of the Act was issued on 08.06.2016 itself.

5. The material placed on record shows that this Court disposed of W.P.No.18044 of 2016 on 09.06.2016 directing the 2nd respondent to pass orders on the explanation submitted to the show cause notice, dated 26.05.2016, as early as possible. It was further held that if the respondents intend to take any coercive steps against the petitioner, the same shall be done by following due process of law. Neither learned counsel for the petitioner nor the learned Standing Counsel for the respondent informed about issuance of impugned notice, dated 08.06.2016. In spite of the direction of this Court to consider the explanation submitted by the petitioner and pass appropriate orders thereon, the respondent authorities instead of complying the said order, issued the impugned notice. Therefore, the impugned notice is set aside.

6 . Accordingly, the Writ Petition is allowed and the impugned notice, dated 08.06.2016 issued by the 2nd respondent is set aside. Respondents shall consider the explanation submitted by the petitioner on 28.05.2016 and pass appropriate orders in accordance with law within the time prescribed in the order, dated 09.06.2016 passed in W.P.No.18044 of 2016. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE C. PRAVEEN KUMAR

Date: 23.06.2016

Note:

Furnish C.C. by two days.

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