

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.10390 OF 2016

ORDER

The prayer of the petitioner in this case is as under:

‘The Hon’ble Court may be pleased to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the notice in UC.Notice No.20/2016, dated 26.03.2016 issued by the respondent No.2 under the purported exercise of powers under Section 443 of the Hyderabad Municipal Corporation Act, 1955, even though the petitioner has not made any contraventions of the provisions of Section 433 of the Hyderabad Municipal Corporation Act, 1955 as arbitrary, illegal, colorable exercise of power and violative of fundamental rights guaranteed to the petitionr under Articles, 14, 19 and 21 of the Constitution of India and consequently set aside the same and pass such other order or orders as are deemed fit and proper in the circumstances of the case.’

Perusal of the impugned notice dated 26.03.2016 issued under Section 443 of the Greater Hyderabad Municipal Corporation Act, 1955 reflects that Kadapa Municipal Corporation did not indicate as to what alterations were being made to the existing cinema theatre without its prior permission.

However, Sri S.D.Goud, learned standing counsel for Kadapa Municipal Corporation, would assert that it is always open to the petitioner to respond to the aforestated notice and indicate exactly as to what alterations are being made in the theatre and action would be taken thereon, if warranted.

Sri V.R. Reddy Kovvuri, learned counsel for the petitioner, would state to the contrary that no structural alterations are being made to the existing theatre.

In any event, as the petitioner is yet to respond to the impugned notice dated 26.03.2016, this Court sees no purpose served in entertaining the writ petition for adjudication on merits.

The writ petition is disposed of leaving it open to the petitioner to respond to the impugned show-cause notice dated 26.03.2016 by furnishing his detailed reply setting out the particulars of what alterations are being made within the existing theatre. The Kadapa Municipal Corporation shall consider the said reply and take appropriate action in the matter, if warranted, in accordance with the due procedure. Even if the petitioner fails to submit his response to the show-cause notice within three days from today, it would still be incumbent upon the Kadapa Municipal Corporation to pass a final order and only thereafter resort to necessary action. In any event, the Kadapa Municipal Corporation shall not take any coercive steps until passing of final orders.

Pending miscellaneous petitions shall stand closed. No order as to costs.

SANJAY KUMAR, J

29th MARCH, 2016

Note: Issue C.C. today.
B/o Svv