

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.12887 OF 2016

ORDER

Heard Sri S.Satyam Reddy, learned senior counsel representing Smt. K.V.Rajasree, learned counsel for the petitioners, and Sri P.Kesava Rao, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC).

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

‘For the reasons stated in the accompanying affidavit, the petitioners herein prays that this Hon’ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus action of respondents in seeking to demolish the compound wall and other structures in Plot Nos.8,10,11,12&13 in S.No.80/2 BaghAmberpet, Hyderabad vide impugned letter No.73/ACP/TPS/C9/GHMC/2013-15 dated 15.03.2015 of the third respondent as arbitrary, illegal and set aside the same and consequently direct the respondents not to demolish the compound wall and other structures and pass such other order or orders as this Hon’ble Court may deem fit and proper.’

Perusal of the impugned notice dated 15.03.2015 issued by the GHMC under Section 452(2) of the Greater Hyderabad Municipal Corporation Act, 1955 demonstrates that the municipal authorities were under the impression that the petitioners had failed to submit their reply/explanation to the show-cause notice dated 24.12.2014. However, the material placed on record indicates that by reply dated 01.01.2015 sent by registered post to the Assistant City Planner, GHMC, Hyderabad, the petitioners responded to the said show-cause notice but the same was not taken into consideration. On this short ground, the impugned show-cause notice dated 15.03.2015 is set aside as the municipal authorities failed to abide by the principles of natural justice. It is for them to take note of the stand of the petitioners under their reply dated 01.01.2015 and take appropriate action in the matter in accordance with

law. This exercise shall be completed expeditiously and in any event, not later than one week from today.

The writ petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed in the light of this final order.

No order as to costs.

SANJAY KUMAR, J

18th APRIL, 2016

PGS