

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 19556 of 2016

ORDER:

Heard.

The present writ petition is filed under Article 226 of the Constitution of India, with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is just and essential that the Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ or order or direction declaring that the notice dated 21.05.2016, issued by the second respondent as arbitrary, illegal and as unjust and consequently direct respondent Nos.1 to 3 not to interfere in any manner either under the said impugned notice or otherwise with the possession and enjoyment of the petitioners in respect of premises bearing door Nos.51-2-2/1 and 51-2-2/2, Resapuvani Palem, Visakhapatnam, and pass such other order orders as this Hon’ble Court may deem fit and proper in the circumstances of the case’.

Learned counsel for the petitioners submits that issuance of notice under Sections 405 and 406 of Hyderabad Municipal Corporation Act (for short, ‘the Act’), itself is illegal since the property in dispute is a private property. The same is refuted by the learned Standing Counsel for GVMC stating that subject land is Reserved Open Space belonging to Visakhapatnam Corporation and as such there is no illegality or incorrectness in issuing notices under Sections 405 and 406 of the Act.

Be that as it may, a perusal of the record would show that pursuant to a notice dated 21.05.2016, the petitioners herein submitted explanations on 03.06.2016, 04.06.2016 and 06.06.2016. It is not in dispute that no orders are passed in those representations till date.

Since the reply given by the petitioners to the show cause notice is still pending consideration and having regard to the facts in issue, the writ petition is disposed of directing the respondents to pass orders in accordance with law, after giving an opportunity of personal hearing of the petitioners, within a period of four weeks from the date of receipt of a

copy of this order. Till such time, the respondents shall not take any coercive steps.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

20.06.2016,
vnb