

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5546 of 2016

ORDER:

The grievance of the petitioner is with regard to the orders under Section 452(2) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act of 1955').

The petitioner was issued show-cause notice dated 11.01.2016 to which he submitted his reply dated 13.01.2016. However, the Greater Hyderabad Municipal Corporation issued the impugned order dated 09.02.2016 under Section 452(2) of the Act of 1955. Perusal thereof reflects that in the penultimate paragraph, it was recorded by the Deputy Commissioner of the Corporation that the petitioner had submitted a reply to the show-cause notice but in the final paragraph, it was noted that the petitioner has not submitted a reply. This inherent contradiction in the impugned order clearly demonstrates non-application of mind by the authority.

The impugned order dated 09.02.2016 is accordingly set aside. The Greater Hyderabad Municipal Corporation shall consider the petitioner's reply dated 13.01.2016 on its own merits and take appropriate action in the matter in accordance with law thereafter. It shall be open to the petitioner to supplement his reply but he shall do so within one week from today.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

22nd February, 2016
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