

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.Nos.25499, 25500 and 25504 of 2016

COMMON ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Municipal Administration, appearing for 1st respondent and Sri Chatla Madhu, learned Standing Counsel, appearing for respondent Nos.2 to 4.

2. Petitioners in these Writ Petitions assailed orders issued under Section 636 of the GHMC Act, 1955 by 3rd respondent proposing to remove alleged unauthorized construction/deviated portion within 24 hours allegedly made by the petitioners.

3. Learned counsel for the petitioners has produced Notice under Section 452 (1) of the GHMC Act, 1955 issued to each of the petitioners. The said notice only mentions that the petitioners have made certain deviations from the sanctioned plan but does not mention what those deviations are.

4. No doubt, the petitioners submitted an explanation to such vague show cause notice. Thereafter, the impugned orders under Section 636 of the GHMC Act, 1955 have been passed stating that the replies of the petitioners are unsatisfactory and they are rejected. Even the contents of the reply are not adverted to in the impugned orders.

5. It is incumbent on the 3rd respondent to indicate the nature of the deviations allegedly committed by the petitioners in respect of the constructions made by them, so that the petitioners can give an effective reply to the show cause notices and on receipt of such replies, it is also incumbent on the 3rd respondent to apply his mind to their contents and pass a reasoned order why the representations of the petitioners are being rejected. The 3rd respondent has singularly failed in discharging his responsibilities under the Act to administer the Act in compliance with the principles of natural justice and his conduct appears to be *mala fide*.

6. Therefore, these Writ Petitions are allowed with costs of Rs.10,000/- (Rupees Ten Thousand only) to be paid by the 3rd respondent personally to each of the petitioners. Liberty is given to 3rd respondent to issue fresh Notice under Section 452 (1) of the Act by specifically mentioning the deviations in the constructions allegedly made by the petitioners, giving them reasonable time of at least two weeks to reply to the said notices and then pass a fresh reasoned order after considering the contents of the replies made by petitioners. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-07-2016

Note:-

Registry to communicate this order to the Commissioner of the 2nd respondent Corporation so that he may consider initiating possible disciplinary action against the 3rd respondent.

B/o.

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