

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.34370 of 2016

ORDER:

Heard learned counsel for petitioners and Mr. P. Krishna Reddy, learned Standing Counsel for respondents 2 and 3.

Petitioners challenge notice, dated 03.10.2016 issued under Section 636 of Hyderabad Municipal Corporations Act, 1955 (for short 'the Act').

Primary objection against the impugned notice is that respondents have not issued the notice under Section 452(2) of Act before concluding either construction contrary to the sanctioned plan or construction with deviations and directing the petitioners to demolish the structure. Therefore, petitioners pray for setting aside the notice, dated 03.10.2016.

Learned Standing Counsel firstly by placing strong reliance upon notice, dated 08.08.2016 issued under Section 452(2) of the Act contends that this objection is taken only for purpose of filing instant writ petition and secondly, from the material available on record, it is evident, the petitioners are undertaking construction contrary to the sanctioned plan. He alternatively submits that the notice impugned in the writ petition can be treated as a notice issued under Section 452(2) of the Act. The petitioners can submit explanation within one week from today. The respondents will if circumstances warrant, proceed further in the matter.

I have perused the material paper particularly the notice, dated 03.10.2016.

Without going into whether the notice impugned in the writ petition is straight away issued or not, with a view to give opportunity to the petitioners, I am satisfied, the writ petition can be disposed of by this order by directing the parties to treat notice, dated 03.10.2016 as a notice issued under Section 452(2) of the Act.

The petitioners are directed to give explanation within one week from today. On receipt of explanation/reply, the respondents are free to proceed further in the matter. Since the respondents are directed to revisit the steps already initiated, with a view to maintain status quo as on date, it is further directed that the petitioners shall not undertake any further construction at subject site unless final orders are received from respondents 2 and 3.

Writ petition is disposed of accordingly.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

6th OCTOBER, 2016.

S.V. BHATT, J

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