

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Municipal Administration, appearing for 1st respondent and Sri N.Ashok Kumar, learned counsel for the respondent Nos.2 and 3.

2. Petitioner has questioned the order dt.18-07-2016 passed under Section 636 of the GHMC Act, 1955 proposing to demolish the constructions being made by the petitioner in plot Nos.5 and 6 in Sy. No.1 adjacent to Tankbund, Pallicheruvu, Mailardevpally village, Rajendranagar Mandal.

3. Petitioner's contention is that prior to said order, no notice inviting petitioner's explanation has been served by 2nd respondent on the petitioner although the impugned order states that a notice dt.14-07-2016 under Section 452 (1) of the Act, 1955 was served on the petitioner.

4. Sri N.Ashok Kumar, learned Standing Counsel for 2nd respondent states that when the notice dt.14-07-2016 was sought to be given to the petitioner, he refused to receive it.

5. This is disputed by the learned counsel for the petitioner.

6. Sri N.Ashik Kumar, learned Standing Counsel, has produced before me a copy of the Notice dt.14-07-2016 and the same has been handed over to the learned counsel for the petitioner.

7. The petitioner is granted two weeks' time

from today to submit his explanation to the said show cause notice dt.14-07-2016. Thereafter, the 2nd respondent is directed to pass a speaking order after considering the explanation of the petitioner to the show cause notice. Till the fresh order is passed by the 2nd respondent, the structures erected by the petitioner shall not be demolished. The petitioner also shall not undertake any fresh construction in the subject property till the 2nd respondent passes orders after considering petitioner's explanation to the notice dt.14-07-2016 issued under Section 452 (1) of the said Act, 1955.

8. In view of the above directions, the impugned order is set aside and liberty is granted to the 2nd respondent to take appropriate action after passing fresh orders on consideration of the petitioner's explanation to the show cause notice dt.14-07-2016 in accordance with law.

9. With the above directions, the Writ Petition is allowed. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 19-07-2016

Note:

Issue C.C. tomorrow.

B/o.

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