

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.27085 of 2016

ORDER :

Heard the counsel for petitioner; Sri V. Narasimha Goud, learned Standing Counsel for Hyderabad Metropolitan Development Authority, counsel for respondent nos.2 and 3; and Sri G. Narender Reddy, counsel for 4th respondent.

2. The petitioner assails order passed by 3rd respondent dt.04.08.2016 [**for short, ‘the impugned order’**] issued under Section 23 (3) of the Hyderabad Metropolitan Development Authority Act, 2008 against petitioner.

3. Prior to the passing of impugned order, two notices dt.29.03.2016 and 09.05.2016 had been issued by 3rd respondent to petitioner to show-cause why action should not be initiated against petitioner.

4. The petitioner submitted a reply on 25.05.2016 to the said show-cause notices which were also acknowledged by the Office of the 2nd respondent. However, the impugned order has been passed without referring to petitioner’s explanation.

5. The learned Standing Counsel for 2nd respondent

fairly states that the impugned order be set aside, and the matter be remitted back to respondent nos.2 and 3 to pass a fresh order after considering petitioner's explanation.

6. Therefore, the Writ Petition is allowed and the impugned order dt.04.08.2016 is set aside, since it is passed without considering petitioner's explanation dt.25.05.2016; and respondent nos.2 and 3 are directed to consider petitioner's explanation and pass a reasoned order, and communicate the same to petitioner.

7. The 3rd respondent shall also provide a personal hearing to petitioner.

8. Accordingly, the Writ Petition is allowed to the above extent. No order as to costs.

9. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 16-08-2016

Ndr/*