

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.4277 of 2016

11.02.2016

Between:

Smt.Suman Shankla

.. Petitioner

and

The Deputy Commissioner,

Greater Hyderabad Municipal Corporation (GHMC), Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.Govinda Reddy for Mr.K.Sunil Goud

Counsel for respondent No.2: Government Pleader for

Municipal Administration and Urban Development (TS)

Counsel for respondent No.1: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside notice, dated 14.12.2015, of respondent No.1.

A perusal of the impugned notice shows that the same is issued in *pro forma*. In the first part of the printed form, a general allegation is made that the petitioner is constructing with the deviations to the sanctioned plan/constructing the building unauthorizedly. Under the caption "Details of unauthorized constructions", it is alleged as under:

"You have laid ground floor, slab and raised pillar for first floor, centering in process."

Mr.Chatla Madhu, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent No.1, on instructions, has submitted that besides the fact that the petitioner has not filed with the Corporation, the copies of the sanctioned plan for the proposed building along with necessary fee/charges together with attested copies of documents concerned and layout plan before undertaking the construction over the plot, which is of the area of less than 100 sq.mtrs., as envisaged by G.O.Ms.No.423, Municipal Administration and Urban Development (M1) Department, dated 31.07.1998, she has been raising construction with serious set back violations.

However, as noted hereinbefore, except the allegation of unauthorized construction shown in the printed *form*, none of the above alleged violations have been mentioned in the impugned notice. The failure of respondent No.1 in making specific allegations displays his lackadaisical attitude and absence of minimum care in preparing the notice. When the petitioner is alleged to have committed serious violations, failure of respondent No.1 to put the same in writing in the notice issued to her would result in quashing of the notice as happening in the present case. Issue of such notices may only satisfy the statistical

purposes, without achieving the object for which such notices are intended to be issued. Respondent No.1 shall do well in issuing proper notices by mentioning all the allegations in such notices in future.

As the impugned notice, dated 14.12.2015, of respondent No.1 is bereft of the material allegations regarding the alleged violations with which the building is being constructed by the petitioner, it cannot be sustained in law and accordingly, the same is quashed. Respondent No.1 is directed to issue a fresh notice under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), with the specific allegations of illegalities/deviations within a period of two weeks from the date of receipt of a copy of this order. On receipt of such notice, the petitioner shall be free to file her explanation/objections. Upon considering such explanation/objections, respondent No.1 shall take a decision as to whether to proceed further or not.

Accordingly, the Writ Petition is allowed to the extent indicated above.

As a sequel to allowing the writ petition, W.P.M.P.No.5473 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

11th February, 2016

GHN