

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.12285 OF 2016

ORDER

Heard Sri G.Kalyan Chakravarthy, learned counsel for the petitioner, and Sri P.Kesava Rao, learned standing counsel for the Greater Hyderabad Municipal Corporation.

The prayer of the petitioner in this case is as under:

‘To grant an order, direction or writ, more so in the nature of Writ of Mandamus declaring the action of Respondents No.2 and 3 in issuing impugned notice in proceedings No.795/TP/GHMC/C-10/2016 dt. 22.3.2016 under Section 452 (2) of Hyderabad Municipal Corporation Act, and trying to demolish the building in premises bearing H.No.8.2.293/82/A/795, in plot No. 795 situated at Jubilee Hills, Hyderabad, without following due process of law as illegal, arbitrary highhanded, violative of principles of natural justice apart from being violative of article 14 and 300-A of Constitution of India and consequently set aside impugned notice in Proc.No. 795/TP/GHMC/C-10/2016 dated 22.3.2016 issued by the respondent No.2 and 3 herein.’

Perusal of the impugned notice dated 22.03.2016 indicates that it is issued under Section 452 of the Greater Hyderabad Municipal Corporation Act, 1955 and the petitioner was called upon to show cause as to why the subject construction should not be removed. The petitioner seems to have responded to the aforesaid show cause notice under reply dated 22.03.2016 which was duly served upon the municipal authorities.

In that view of the matter, this Court sees no reason to entertain this writ petition for adjudication on merits at this stage as the municipal authorities are yet to take a decision in the matter upon considering the petitioner's reply.

The writ petition is accordingly disposed of directing the municipal authorities to consider the petitioner's reply dated 22.03.2016, grant her a personal hearing in the matter and thereafter take appropriate action in

accordance with law. Pending such exercise, the municipal authorities shall not resort to any demolition. Pending miscellaneous petitions shall stand closed. No order as to costs.

SANJAY KUMAR, J

12th APRIL, 2016

Note: Issue C.C. by tomorrow.
B/o PGS