

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.8914 of 2016

ORDER:

Heard Sri B. Papa Rao Goud, learned counsel for the petitioners, and Sri Pasham Krishna Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (for brevity 'the Corporation').

Challenge in this writ petition is to the show cause notice dated 03.03.2016 issued by the Corporation under Section 452(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for brevity 'the Act of 1955') and the order dated 10.03.2016 under Section 452(2) of the Act of 1955.

It is an admitted fact that the petitioners failed to submit their reply to the show cause notice dated 03.03.2016. However, perusal of the said show cause notice reflects that the petitioners were given seven days time from the date of receipt of the notice to submit their reply. The notice is dated 03.03.2016, and even if the notice was served on the same day, it would not be taken into account while reckoning the seven day timeframe allowed. The seventh day would therefore expire on 10.03.2016. It is only thereafter that the Corporation would be entitled to proceed in the matter in the event no reply is submitted by the addressees of the show cause notice. However, without awaiting the expiry of the time frame as stated supra, the Corporation issued the final order under Section 452(2) of the Act of 1955 on the seventh day itself, i.e. 10.03.2016.

On this short ground, the order dated 10.03.2016 issued by the Corporation under Section 452(2) of the Act of 1955 is set aside. The petitioners are permitted to submit their reply to the show cause notice dated 03.03.2016 within seven days from today i.e. before 26.03.2016. The Corporation shall thereupon consider the reply, if any, filed by the petitioners and take a decision in the matter.

The writ petition is allowed to the extent indicated above.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:18.03.2016

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Note:

Furnish C.C. by Monday.

(B/o)

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