

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23299 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the respondents in issuing Notice under Sections 452(1) & 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') bearing No.231/C16/ACP - 10C/CZ/GHMC/2017, dated 17.06.2017, as illegal, arbitrary, and violative of fundamental rights of the petitioner and consequently to direct the respondents not to pull down petitioner's building.

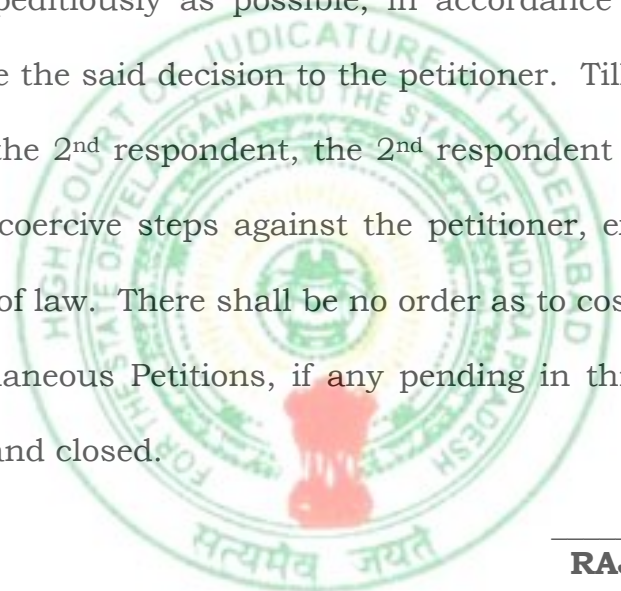
2. Heard learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner purchased a house bearing H.No.8-3-231/21/C/A, Block-C, situated at Sri Krishna Nagar, Yousufguda, Hyderabad, and has been residing therein ever since. The 2nd respondent issued show cause notices bearing No.231/C16/ACP - 10C/CZ/GHMC/2017, dated 17.06.2017, under Sections 452(1) & 461(1) of the Act to the petitioner alleging that the petitioner has unauthorizedly laid slabs for G + 2 upper floors in the subject premises. The petitioner has also submitted his explanation in the form of a reply to the said show cause notices, dated 06.07.2017, to the 2nd respondent.

4. The main grievance of the petitioner is that even the petitioner has submitted reply, dated 06.07.2017, to the 2nd respondent, till now the 2nd respondent has not taken any decision on the said reply.

5. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, the Writ Petition is disposed of directing the 2nd respondent to consider the reply, dated 06.07.2017, said to have been submitted by the petitioner and take a decision on the said reply, as expeditiously as possible, in accordance with law, and communicate the said decision to the petitioner. Till such decision is taken by the 2nd respondent, the 2nd respondent is directed not to take any coercive steps against the petitioner, except following due process of law. There shall be no order as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.



RAJA ELANGO, J

Date: 14th July, 2017

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