

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34808 OF 2015

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ, order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of respondent Nos.1 and 2 in issuing the impugned Notice No.34/UC/Cir-12/TPS/GHMC/2015, dt:13.10.2015, issued under section 636 of HMC Act, 1955 as illegal, arbitrary, contrary to the provisions of the Act and against the principles of natural justice and against the settled principles of law and consequently direct the respondents not to demolish the property bearing House No.1-95/6/3/1/C/9, admeasuring 264 Sq.yds. or 220.70 sq.mts., in survey No.32, situated at Guttala Begumpet Village, Seri Lingampally Mandal and Municipality, Ranga Reddy District, Telangana, without following due process of law.”

2. The main grievance of the petitioner is that on the ground of unauthorized construction, respondent Nos.1 and 2 issued the aforementioned notice without following the due procedure under law. The said notice was not preceded by a notice under Sections 452(1) and 452(2) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, “the Act”) and no opportunity of hearing was given to the petitioner before passing that order.

3. Sri Sampath Prabhakar Reddy, learned Standing Counsel appearing for the Greater Hyderabad Municipal Corporation, fairly conceded that the respondent Corporation will follow the due

procedure under law and the impugned notice issued under Section 636 of the Act is liable to be suspended.

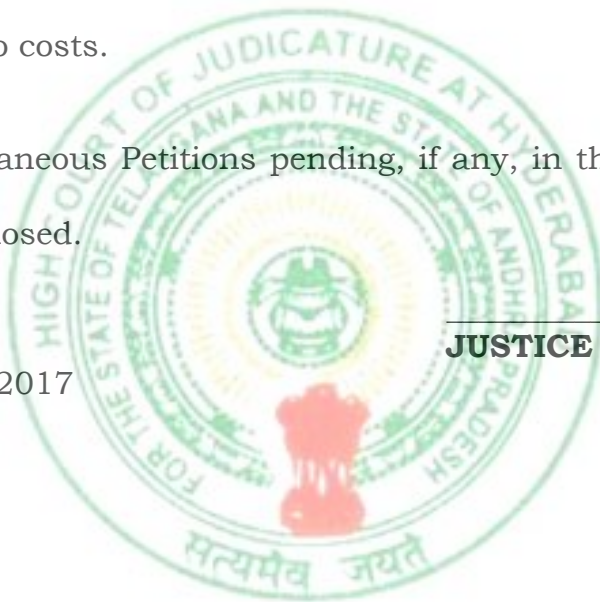
4. Considering the facts and circumstances of the case and the submission of the learned Standing Counsel, the notice, dated 13.10.2015, issued under Section 636 of the Act by the respondent Corporation is hereby suspended. The respondent Corporation is directed not to demolish the subject property without following the due procedure under law.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Date : 23.06.2017
AMD

JUSTICE RAJA ELANGO



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AMD