

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7098 OF 2017

ORDER:

This Writ Petition is filed questioning the proceedings No.672/CP/WZ/GHMC/2016, dated 05.01.2017 issued by the 3rd respondent, on the ground that the explanation submitted by the petitioner on 02.12.2016 to the show cause notice dated 04.11.2016 issued by the 3rd respondent has not been considered and thereby there is violation of principles of natural justice. It is also the contention of the petitioner that the 3rd respondent-City Planner, who is not authorised and competent authority, has made the order. Under Section 450 of the HMC Act, 1955 it is only the Commissioner, who is competent to pass order.

Learned Standing Counsel for the GHMC, on instructions fairly concedes that there is irregularity in issuing impugned order dated 05.01.2017 and therefore he submits that the impugned order may be set aside by giving liberty to the respondent authorities to take action in accordance with law. Fairness on the part of the learned Standing Counsel is quiet appreciable.

In the facts of the present case, admittedly there being violation of principles of natural justice, apart from there being violation of the procedure prescribed under the statutory provisions, the Writ Petition is liable to be allowed.

Accordingly, the Writ Petition is allowed setting aside the impugned proceedings No.672/CP/WZ/GHMC/2016, dated 05.01.2017 issued by the 3rd respondent. However, this order does not preclude the respondent authorities from taking action in accordance with law. There shall be no order as to costs.

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

CHALLA KODANDA RAM, J

Date:08.03.2017.

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