

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38323 of 2013

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner questioning the action of the 2nd respondent/Warangal Municipal Corporation, in issuing notice, dated 20.11.2013, under Sections 452(1) and 461(1) of the HMC Act.

2. I have heard the submissions of Ms. D. Sandhya, learned counsel for the petitioner and of Ms. Pingali Lakshmi, learned Standing Counsel for the 2nd respondent Municipal Corporation. I have perused the material record.

3. The case of the petitioner, in brief, is this: 'He purchased a constructed house, which is assigned door no.1-1-482 situated at Chaitanyapuri Colony, Kazipet, Warangal District, under registered sale deed, dated 05.08.2010, and that subsequently, when the notice, dated 20.11.2013, which is impugned in this writ petition was issued, he had submitted an application, dated 10.12.2013, for regularisation and also for permission *ex post facto* and that the 2nd respondent/Warangal Municipal Corporation, having received the said application, issued endorsement, dated 10.12.2013, stating that the said application of the petitioner is still pending consideration of the Commissioner of the 2nd respondent Municipal Corporation and that the petitioner shall not commence construction work until orders are issued.

4. The learned Standing Counsel for the 2nd respondent Municipal Corporation would submit that only a notice under Sections 452(1) and 461(1) of the HMC Act is under challenge and that the petitioner ought to have submitted an explanation in response to the said notice instead of approaching this Court and, therefore, the writ petition may be disposed of directing the petitioner to submit an explanation to the notice for appropriate consideration by the 2nd respondent Municipal Corporation.

5. Having regard to the aforesaid submissions of the learned counsel for both the sides and the facts and circumstances of the case, this writ petition is disposed of giving liberty to the petitioner to submit an explanation to the impugned notice, dated 20.11.2013, within a period of three (03) weeks from the date of receipt of a copy of this order and directing the 2nd respondent/Warangal Municipal Corporation to consider and dispose of the said explanation that may be submitted by the petitioner as well as the representation submitted with the request for regularisation, the receipt of which was acknowledged under endorsement, dated 10.12.2013, as expeditiously as possible by passing appropriate orders in strict accordance with the procedure established by law. It is made clear that no coercive action or action for demolition shall be taken against the petitioner's property till final orders are passed, as directed *supra*.

There shall be no order as to costs.

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

M.Seetharama Murthi, J

21st April, 2017
Bvv