

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.24223 of 2017

ORDER:

This writ petition is filed by the petitioners under Article 226 of the Constitution of India, for the following relief:

“To declaring notice dated 18.07.2011 vide Notice No.UC/TPS/ Cir.XXI/ WZGHMC/ 2017 issued by the 3rd respondent under Section 636 of Greater Hyderabad Municipal Corporation Act, 1955 directing the petitioner to remove the unauthorized construction made in Sy.No.316/ 1, 317/ 1 and 318 situated at Chandanagar village, Sherilingampally Mandal, Hyderabad within 24 hours, failing which, same shall be removed by Greater Hyderabad Municipal Corporation Act, and expenses thereof will be recovered from the petitioner and also to declare the order passed by the 2nd respondent dated 22.6.2017 in Lr.3/ C12/ 06310/ 2017 directing us to stop the construction and directed to settle the dispute between the petitioner and the 5th respondent with regard to the subject property for consideration of the building application, as illegal, arbitrary and contrary to the orders passed by this Hon'ble Court in WP.No.23231 of 2017, dated 13.07.2017, and consequently, direct the respondents not to demolish the compound wall and tin shed constructed in the aforesaid premises.”

The case of the petitioners is that they are absolute owners and possessors of plot No.29, admeasuring 200 square yards covered in Sy.Nos.316/ 1, 317/ 1 and 318 situated at Chandanagar Village, Sherilingampally Mandal, Ranga Reddy District, and they purchased the same under registered sale deed, dated 07.01.2001. The petitioners submitted application, dated 27.05.2017, to the 2nd respondent to grant permission for construction of ground + 2 floors in the said plot. Pending consideration of the same, the petitioners constructed compound wall and raised a tin shed to safeguard the said plot from encroachment. Since the 2nd respondent issued proceedings, dated 22.06.2017, requiring the petitioners to stop the work and to demolish the compound wall and the room, the petitioners approached this Court and filed WP No.23231 of 2017 questioning the action of the 2nd respondent. The said writ petition was disposed of by this Court directing the 2nd respondent to consider the explanation submitted by the petitioners to the show cause

notice dated 29.06.2017, and pass appropriate orders, vide order, dated 13.07.2017. On 14.07.2017 the petitioners submitted a representation bringing to the notice of the 2nd respondent about the direction given by this Court and also to give them an opportunity of personal hearing. On receipt of the said application, the 2nd respondent issued the impugned proceedings on 18.07.2017, directing the petitioners to remove the compound wall and the tin shed within 24 hours, without giving any opportunity of personal hearing of the petitioners. Hence, this writ petition.

The grievance of the petitioners is that though they submitted a representation to give them an opportunity of personal hearing, the 2nd respondent issued the impugned notice without considering the said explanation and also without issuing any opportunity of personal hearing, contrary to the orders passed by this Court.

When the matter is taken up for hearing, learned Standing Counsel appearing for respondents 2 to 4 submitted that they are withdrawing the notice under challenge, and pass orders after giving an opportunity to the petitioners.

Recording the submission of the learned Standing Counsel for the respondents 2 to 4, the writ petition is disposed of directing the official respondents not to take any coercive steps in respect of the property of the petitioners, prior to decide the issue on the basis of the explanation submitted by the petitioners and also after hearing the petitioners.

Accordingly, the Writ Petition is disposed of. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 21, 2017
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