

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.32047 of 2017

Date: 19-09-2017.

BETWEEN:

Mekala Bikshmaiah and others.

...Petitioners.

AND

The State of Telangana
Rep by its Principal Secretary,
Municipal Administration Dept,
Secretariat Buildings,
Hyderabad and others.

...Respondents.



THE HON'BLE SRI JUSTICE A.V. SESA SAI**WRIT PETITION No.32047 of 2017****ORDER:**

Heard the counsel for the petitioner and Smt.Bhagya Sri, learned counsel for the respondent-Municipal Corporation.

2. In the present writ petition, challenge is to the notice bearing No.07/TPBO-2/2017, dated 04-09-2017, issued by the second respondent-Municipal Corporation under the provisions of Sections 596/461 (4) and Section 461-A of HMC Act 1955 proposing to take action under the provisions of Sections 452 (1) & 461 (1) of the Act, 1955 and asking the petitioner to show cause as to why further action should not be taken. The grievance of the petitioner in the present writ petition is that the respondent authorities are proceeding with the process of demolition of structures without providing an opportunity of being heard.

3. On the other hand, it is submitted by the learned standing counsel for the respondent-Municipal Corporation that as the notice impugned in the writ petition is only a show cause notice, it is open for the petitioner to submit explanation for consideration of the respondent and the petitioner cannot maintain the writ petition before this Court against show cause notice.

4. Having heard the learned counsel for the petitioner and learned sanding counsel for the respondent – Municipal Corporation, this Court deems it appropriate to dispose of the present writ petition, keeping it open for the petitioner herein to submit explanation to the impugned show cause notice dated 04-09-2017, within a period of one week from the date of receipt of a copy of this order and if any such explanation is submitted within

the time stipulated, the same be considered and appropriate action be taken in accordance with law, after giving opportunity of being heard to the petitioner herein and to all the stakeholders, if any, and pass final orders strictly in accordance with law and till the said exercise attains finality, no coercive action, pursuant to the impugned notice, shall be taken.

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

Date: 19-09-2017
mrh

JUSTICE A.V.SESHA SAI

