

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

WRIT PETITION No.34172 of 2017

ORDER:

Heard Sri T.Venugopal, learned Senior Counsel representing the learned counsel for the petitioner, and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC.

The order passed by the Deputy Commissioner, GHMC, Circle-18, Khairathabad, Hyderabad-fourth respondent herein vide proceedings No.682/TPS/C18/GHMC/2017, dated 10.10.2017, is under challenge in the present Writ Petition.

The fourth respondent herein issued a show cause notice vide proceedings in Lr.No.682/ TPS/ C18/ CZ/ GHMC/2017, dated 06.10.2017, under Sections 452 and 441 of the Greater Hyderabad Municipal Corporation Act, 1955 calling upon the petitioner herein to show cause within a period of three days from the date of service of notice as to why the alleged illegal constructions should not be removed/pulled down.

According to the petitioner herein, it submitted an explanation on 09.10.2017 and the same was also acknowledged by the office of the fourth respondent. It is stated in the affidavit, filed in support of the Writ Petition, that, without considering the said explanation, the fourth respondent herein passed the order under challenge on 10.10.2017 vide proceedings No.682/TPS/C18/GHMC/2017.

When the matter is taken up, on instructions, it is submitted by the learned Standing Counsel that the explanation, dated 09.10.2017, acknowledged by the office of the fourth respondent on 10.10.2017, would be considered by the respondents and orders afresh would be passed. It is further submitted by the learned Standing Counsel that, in fact, the inward section of the office of the fourth respondent received the said explanation only after service of the impugned order.

In view of the above submissions, the Writ Petition is allowed, setting aside the impugned order bearing No.682/TPS/C18/GHMC/2017, dated 10.10.2017, passed by the fourth respondent, and the fourth respondent is at liberty to pass orders afresh after considering the explanation filed by the petitioner herein and after hearing the petitioner herein. It is made clear that the representative of the petitioner herein shall be present before the fourth respondent on 23.10.2017 at 3.00 p.m. It is further made clear that, if the petitioner does not appear before the fourth respondent on the said date, the fourth respondent is at liberty to pass appropriate orders basing on the record available. It is also made clear that, if the petitioner wants to file any document, the same shall be done on or before the said date. Till fresh orders are passed, no coercive action shall be taken in respect of the subject building.

As a sequel thereto, miscellaneous petitions, if any,
pending in the Writ Petition, shall stand closed.

A.V.SESHA SAI, J

11th October, 2017.

Note:

*Furnish C.C. of the order
within two days.*

B/o

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