

THE HON'BLE SRI JUSTICE A.V.SESHA SAI
WRIT PETITION Nos.27561 & 27588 of 2017

Date:17-08-2017.

WP No.27561 of 2017:

BETWEEN:

Bellezza Apartment Owners Welfare Association,
Having its office in Club House in Sy.No.1009/P,
Eden Square, KPHB 4th Phase, Opp:RTO Office,
Kukatpally, Hydeabad rep by its Secretary,
Mr.N.Kalyan Chakradhar Reddy,
Kukatpally, Hyderabad.

...Petitioner.

AND

Greater Hyderabad Municipal Corporation,
Rep.by its Commissioner,
Lower Tank Bund Road,
Hyderabad – 500 029 and others.

...Respondents.

WP No.27588 of 2017:

BETWEEN:

M/s. Lodha Healthy Constructions and Developers
Private Limited, Lodha Bellezza, Sy.No.1009/P,
Eden Square, KPHB 4th Phase, Opp:RDO Office,
Kukatpally, Hydeabad, Regd Office at Lodha Excelus,
NM Joshi Marg Apollo Mills Compound,
Mahalakshmi-11, Mumbai rep by its Authorized
Signatory, Mr. Shyam Joshi, Hyderabad.

...Petitioner.

AND

Greater Hyderabad Municipal Corporation,
Rep.by its Commissioner,
Lower Tank Bund Road,
Hyderabad – 500 029 and others.

...Respondents.

THE HON'BLE SRI JUSTICE A.V. SESA SAI**WRIT PETITION Nos.27561 & 27588 of 2017****COMMON ORDER:**

Heard Sri Deepak Bhattacharjee, learned Senior Counsel appearing for the petitioner in W.P No.27561 of 2017 and Sri A. Venkatesh, learned counsel for the petitioner in W.P No.27588 of 2017 and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondent-Municipal Corporation.

2. In both these writ petitions, challenge is to the notice bearing No.29/TPS/W.No.114/CIR-23/WZ/GHMC/2017, dated 16-08-2017. The respondent Municipal Corporation issued the said notice under Section 636 of the Hyderabad Municipal Corporation Act, 1955, directing removal of construction of the compound wall between Lodha Bellezza and Lodha Meridian and electrical transformers on the road portion within 24 hours.

3. According to the learned Senior Counsel, appearing for the petitioner in W.P.No.27561 of 2017, no prior notice either under Section 452 of the Corporation Act or any other notice was issued to the petitioner before resorting to the impugned action. Petitioner in W.P.No.27561 of 2017 is the Owners Welfare Association of Bellezza Apartments. It is the submission of the learned counsel for the petitioner in W.P.No.27588 of 2017 that the impugned notice under Section 636 of the HMC Act and notice dated 05-08-2017 were simultaneously handed over to the petitioner.

4. On instructions, it is submitted by the learned standing counsel that the petitioner in W.P.No.27588 of 2017, on 17-08-2017 i.e., today submitted an explanation and the Commissioner of the Corporation is going to conduct enquiry in to the matter.

5. At the hearing, it is submitted by the learned Senior Counsel in W.P.No.27561 of 2017 that the petitioner will submit explanation to the respondent municipal corporation and the same may directed to be considered by the respondent municipal corporation in accordance with law before proceeding further in the matter.

6. Since, according to the learned Standing Counsel, the Commissioner of the Corporation is going to enquire into the matter, this Court deems it appropriate to set aside the impugned notice No.29/TPS/W.No.114/CIR-23/WZ/GHMC/2017, dated 16-08-2017, passed by the respondent Municipal Corporation. The petitioner in W.P.No.27561 of 2017 shall file an explanation within a period of one week from the date of receipt of this order. If any such explanation is submitted, the explanation so submitted and the explanation already submitted by the petitioner in W.P.No.27588 of 2017 shall be considered by the Commissioner of the respondent Municipal Corporation and appropriate action be taken in accordance with law. It is open for the petitioners herein to file relevant documents also.

7. With the above direction, the writ petitions are disposed of. No costs.

8. Miscellaneous petitions pending consideration, if any, in these writ petitions, shall stand closed in consequence.

JUTICE A.V.SESHA SAI

Date: 17-08-2017
mrh

