

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 5778 of 2015

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the notice dated 03.02.2015 issued by respondent No.2 as illegal, arbitrary, contrary to law; and violative of principles of natural justice; and consequently *set aside* the same.

2) The case of the petitioner is that respondent No.3 is the owner of the premises bearing Door No.8-20-17 (8-20-6) situated at 4th Lane, Seetharamnagar, Guntur and the petitioner was in occupation of the said premises as tenant for the last twenty years and running the office in the name and style of Lakshmi Annapurna Gas Service, being the agency of the Indian Oil Corporation. It is his case that **though** he is paying rents regularly without any default, respondent No.3 is attempting to evict him. While things stood thus, respondent No.3 got issued a legal notice asking the petitioner to vacate the said premises and deliver vacant possession of the said property on the ground that the Commissioner, Guntur Municipal Corporation issued notice dated 03.02.2015, ordering demolition of the building in question within seven days, as it is in a dilapidated condition. Challenging the same, the present writ petition is filed.

3) By an order, dated 09.03.2015 this Court granted *status quo*.

4) Thereafter, respondent Nos.2 and 3 filed counters as well as vacate stay petitions disputing the averments made in the affidavit filed in support of the writ petition. It is the case of respondent No.3 that he is the owner of the said premises and though the lease period expired in the year 2003 itself, the petitioner is continuing in the said premises without paying any rent. It is his case that the said building is in dilapidated condition which requires removal.

5) Learned Standing Counsel for respondent No.2 Corporation states that respondent No.3 herein issued a legal notice to the petitioner by enclosing a copy of the notice issued to him by respondent No.2 under Sections 456 and 596 of the Hyderabad Municipal Corporation Act, to demolish the premises within seven days, since the said building is in dilapidated condition.

6) Though various grounds are raised, learned counsel for the petitioner submits that an opportunity may be given to the petitioner to submit his explanation by treating the impugned notice as show-cause notice.

7) Having regard to the facts and circumstances of the case and taking into consideration the submissions made across the Bar, the writ petition is disposed of directing the petitioner to submit explanation to the notice dated 03.02.2015, which was sent to him by respondent No.3 along with the legal notice dated 20.02.2015, within ten days from today, in which event, the

authorities concerned shall deal with the same in accordance with law.

8) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

15.02.2017

Note: Issue C.C. in two days.

B/o

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