

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21670 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in seeking to demolish the wall and gate situated at Plot No.23, in Sy.No.200 Part, 201 Part and 202 Part, admeasuring 211 Sq.Yds., at Budvel Village, Rajendranagar Circle, GHMC, Ranga Reddy District, pursuant to the order dated 29.06.2017, as arbitrary, illegal, unjust, colourable exercise of power, non-application of mind, violative of the procedure contemplated under the provisions of the Greater Hyderabad Municipal Corporation Act, violative of principles of natural justice, highhanded action, violative of the Fundamental Rights guaranteed under Articles 14, 19 and the Constitutional Right under Article 300-A of the Constitution of India and consequently set aside the order dated 29.06.2017 of the 2nd respondent and further direct him to consider the case of the petitioner for regularization and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

2. The main grievance of the petitioner is that respondent No.2/Greater Hyderabad Municipal Corporation passed the order, dated 29.06.2016, directing her to remove the unauthorizedly constructed compound wall and gate in the subject property within three days, without considering the reply, dated 18.05.2017, given by her for the notice, dated 06.04.2017, issued by respondent No.2 and hence, prays to set aside the impugned order and direct

respondent No.2 to consider her reply, dated 18.05.2017, and pass appropriate orders in accordance with law.

3. Considering the facts and circumstances of the case and the grievance of the petitioner, without going into the merits of the case, the order, dated 29.06.2016, passed by respondent No.2 is hereby set aside and respondent No.2 is directed to consider the reply, dated 18.05.2017, of the petitioner and pass appropriate orders in accordance with law as expeditiously as possible, preferably, within a period of eight (8) weeks from the date of receipt of a copy of this order. Till then, respondent No.2 is directed not to demolish the compound wall and the gate of the petitioner in the subject property.

4. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date : 03.07.2017
AMD

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