

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24443 OF 2017

ORDER:

The case of the petitioner is that the 2nd respondent issued notice dated 06.07.2017 under Section 452(1) & 461 (1) of the Greater Hyderabad Municipal Corporation Act, 1955 (*for short 'the Act'*) asking the petitioner to show cause as to why the unauthorized construction shall not be removed, within seven days. The said notice was served on the petitioner on 19.07.2017. Even before submission of reply by the petitioner, meanwhile, the 2nd respondent passed order dated 15.07.2017 under Section 452(2) & 461(2) of the Act and by virtue of the said order, the respondents are trying to take further action for demolition of structures. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and Sri SD.Goud, learned Standing Counsel for the 2nd respondent Corporation.

A reading of the proceedings dated 15.07.2017 issued under Section 452 (2) and 461(2) of the Act goes to show that a reply was filed by the petitioner. But, the learned counsel for the petitioner vehemently disputes filing of reply by the petitioner. Even in the said proceedings there is no mention with regard to consideration of explanation submitted by the petitioner. Both the proceedings dated 06.07.2017 and 15.07.2017 were issued in a cyclostyle manner, by just

changing the names of the parties, which goes to show that there is no application of mind by the respondents.

In view of the same, the impugned order dated 15.07.2017 is set aside and it is open for the petitioner to submit explanation to the notice dated 06.07.2017 within a period of two weeks from today. On submission of explanation by the petitioner, the 1st respondent shall consider the said explanation and take appropriate action after giving opportunity of hearing to the petitioner. Till then no coercive steps shall be taken against the construction of petitioner. If petitioner fails to submit explanation within two weeks, it is open for the respondents to take action, in accordance with law.

Accordingly, the writ petition is disposed of. No order as to costs.

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

A.RAJASHEKER REDDY, J

27.07.2017

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