

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16923 OF 2017

ORDER:

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

“to issue writ, order or a direction, more particularly a Writ of Mandamus, declaring the action of the respondents herein particularly respondents Nos.3, threatening to demolish the structure over premises bearing No.5-4-700, situated at Kattal Mandi, Nampally Station Road, Hyderabad in lieu of the impugned notice dated 05.05.2017 bearing No.700/4/5UC/TPS/C8/GHMC/2017 under Section 452 (1) & 461 (1) as illegal, arbitrary, unjust, violation of petitioners fundamental rights and against the principles of natural justice in consequence suspend the impugned notice dated 05.05.2017 bearing No.700/4/5UC/TPS/C8/GHMC/2017.”

2. Case of the petitioners is that on the ground that they have made illegal and unauthorized construction in the subject property, respondent No.4 issued the aforesaid notice granting seven days time to submit the reply as to why the deviated portion/unauthorized construction shall not be removed, altered or pulled down and hence, they pray this Court to suspend the impugned notice and direct the respondents not to demolish the structures made in the subject property.

3. Heard and perused the material available before this Court.

4. From a perusal of the material placed before this Court, it is evident that this Court granted ad-interim direction against

respondent Nos.2 to 4 herein restraining them from demolishing the premises till 22.05.2017. On 18.05.2017, the said order was extended for a further period of six weeks. Considering the facts and circumstances of the case and the grievance of the petitioners, without going into the merits of the case, the petitioners are directed to give their reply to the notice, dated 05.05.2017, of respondent No.4 to the authorities concerned on or before 30.06.2017 and on such reply, the authorities shall pass appropriate orders within a period of eight (8) weeks thereafter in accordance with law. Till then, the respondents are directed not to take any coercive steps against the subject property of the petitioners.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE RAJA ELANGO

Date : 19.06.2017
AMD

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