

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10323 OF 2017

ORDER :

The Writ Petition is filed alleging that Respondents 2 and 3 – Warangal Municipal Corporation, without issuing any notice and without following the due process of law, are trying to demolish the compound wall of the petitioner's house bearing H.No. 3-16-260, Peddammagadda, Hanamkonda, Warangal City & District, at the instance of the 4th respondent.

This Court, on 23.03.2017 directed the learned Standing Counsel for the respondent Corporation Smt. Pingali Lakshmi to get instructions. Today, she places on record a copy of the notice issued under Section 636 of the Hyderabad Municipal Corporation Act, 1955, dated 22.02.2017, which discloses that as a matter of fact, the petitioner was issued the notice on 02.12.2016 and he submitted his explanation on 06.12.2016. In the said explanation, the petitioner has totally denied the construction having been made, including the compound wall. Since the explanation was considered to be contrary to the facts on record, the same was rejected by the respondent Corporation, making an order under Section 636 of the 1955 Act. By the time the petitioner filed this Writ Petition on 20.03.2017, he is in the know of issuance of the notice and his submitting the explanation thereto, but he has suppressed the said facts and failed to make a mention of the same in the writ affidavit. In other words, it is a clear case where the petitioner did not approach this Court with clean hands.

In normal circumstances, the petitioner does not deserve any consideration of exercise of equitable jurisdiction by this Court, but however, considering the submission made by the

learned Standing Counsel that only the compound wall, which was constructed unauthorizedly, has been removed, based on the complaint made by the 4th respondent and that there will be no further demolition, leaving it open for the respondent Corporation to take action, in accordance with law, in the event there is any further deviation from the sanctioned plan, the Writ Petition is closed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand closed.

03rd April 2017

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CHALLA KODANDA RAM, J

