

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20786 OF 2017

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India seeking to declare Notice No.70/ 110/ TPS/ CIR-XXI// WZ/ GHMC, dated 12.06.2017, issued by the 3rd respondent, as illegal and arbitrary and to set aside the same.

Heard and perused the material available on record.

The case of the petitioner is that she is the owner and possessor of property admeasuring 10 guntas, (about 1200 square yards) in sy.No.160/ E of Chandanagar, Selrlingampally Mandal, Ranga Reddy District, having purchased the same through a registered sale deed. In front of the said house, the petitioner erected a shed and using the same as a shop since several decades. While so, the officials of the 2nd respondent inspected the said shop and asked the petitioner to remove the shop on the ground that complaints were received by them stating that the petitioner constructed the shop by encroaching the road. Therefore, the petitioner removed part of the shop and the remaining portion is the private property of the petitioner. Thereafter, the 3rd respondent served notice, dated 12.06.2017, in Notice No.70/ 110/ TPS/ CIR-XXI/ WZ/ GHMC, under Sections 402 & 405 of the Greater Hyderabad Municipal Corporation Act, 1955, directing the petitioner to remove the structures on the road portion immediately within two (2) days from the date of that notice. Hence, this writ petition.

Learned counsel for the petitioner submitted that the impugned notice was served in the name of the husband of the petitioner and the

petitioner has no knowledge about the same and that there is already an existing road in front of her premises and the respondents are trying to demolish the structures to widen the road, without issuing any opportunity to the petitioner and without following the due procedure.

Learned Standing Counsel appearing for the respondents submitted that since the petitioner is now aware of the notice issued by the respondents, she can submit her explanation to the said notice, and the same can be considered by the respondents in accordance with law.

Considering the rival submissions of the learned counsel for both sides, the petitioner is directed to submit her explanation to the respondents stating the grounds, which are raised in this writ petition, within a period of ten (10) days from the date of receipt of a copy of this order and on receipt of such explanation, the respondents are directed to consider the same and pass orders in accordance with law, within a period of four (4) weeks. Till such time, the respondents are directed not to take any coercive steps.

Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

June 27, 2017
KTL

RAJA ELANGO, J