

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23231 OF 2017

ORDER:

The Writ Petition is filed to declare notice, dated 11.07.2017 issued by the 3rd respondent under Sections 452(1) and 461 (1) of Greater Hyderabad Municipal Corporation Act, 1955 (for short 'GHMC Act') on the ground that the petitioners failed to submit explanation to the show cause notice issued under Sections 452(1) and 461(1) of GHMC Act with regard to alleged illegal construction in Plot No.29, admeasuring 200 square yards in Sy.Nos.316/ 1, 317/ 1 and 318 situated at Chandanagar Village, Sherilingampally Mandal, Ranga Reddy District, failing which, action will be taken under Sections 636/ 596/ 461(4)/ 461-A of the GHMC Act, as illegal and arbitrary and consequently, set aside the same.

It is the case of the petitioners that they are absolute owners and possessors of plot No.29, admeasuring 200 square yards covered in Sy.No.316/ 1, 317/ 1 and 318 situated at Chandanagar Village, Sherilingampally Mandal, Ranga Reddy District, and they purchased the same under registered sale deed, dated 07.01.2001. The petitioners submitted application, dated 27.05.2017, to the 2nd respondent to grant permission for construction of ground + two floors in the said plot. Pending consideration of the same, the petitioners constructed compound wall and raised a tin shed to safeguard the said plot from encroachment. On the complaint made by the 5th respondent, the 2nd respondent issued proceedings, dated 22.06.2017, requiring the petitioners to stop the work and to demolish the compound wall and the room constructed

unauthoroizedly. Thereafter, the 2nd respondent issued notice, dated 29.06.2017, under Sections 452(1) and 461 (1) of the GHMC Act, for which the petitioners have submitted their explanation. Without considering their explanation, the 2nd respondent has issued the impugned notice, stating that since the petitioners failed to give explanation to notice, dated 29.06.2017, action will be taken under Sections 636/ 596/ 464(4)/ 461/ A of GHMC Act. Hence, this Writ Petition.

When the matter is taken up for hearing, learned Standing Counsel appearing for respondents 2 to 4 submitted that the respondents will consider the explanation submitted by the petitioners to notice, dated 29.06.2017, and pass orders afresh.

Recording the submission of the learned Standing Counsel for the respondents 2 to 4, the writ petition is disposed of directing the official respondents not to take any coercive steps in respect of the property of the petitioners, prior to decide the issue on the basis of the explanation submitted by the petitioners.

No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 13, 2017
KTL