

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.29264 OF 2016

ORDER:

The writ petition is filed challenging the action of the respondents in issuing the impugned notice dated 23.08.2016.

It is the case of the petitioner that she is the absolute owner and possessor of the land over an extent of 123 sq. yards in Sy.Nos.442 and 443 of Fort Warangal and the said land was devolved upon the petitioner under the gift settlement deed dated 08.08.2014 executed by her mother Smt V. Suramma. Thereafter, the petitioner applied for building permission on 23.06.2015 by paying the requisite fee and since no permission was received, the petitioner raised the RCC construction. The said building was assessed for municipal tax under Assessment No.0916111325 and the petitioner has been paying the tax. While things stood thus, the 2nd respondent had issued a notice under Sections 452(1) and 461(1) of the Hyderabad Municipal Corporation Act, 1955 (for short, "the Act") calling upon the petitioner to show cause as to why the constructions shall not be demolished. Thereafter, the petitioner submitted her explanation on 20.08.2016 to the impugned notice issued by the respondents. The respondents did not pass any final orders on the explanation submitted by the petitioner under Section 452(3) of the Act and also no consequential orders under Section 636 of the Act have been made.

Inasmuch as no final orders are passed as on today on the explanation dated 20.08.2016 submitted by the petitioner, the writ petition is disposed of directing the respondents to pass final orders on the explanation dated 20.08.2016 submitted by the petitioner. Only after passing the final orders, the respondents may take any action under Section 453 of the Act. Till such time the order is made on the

explanation submitted by the petitioner, no coercive steps shall be taken against the petitioner.

With this, the Writ Petition stands disposed of. No order as to costs. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

28.02.2017.

Note:

Issue CC forthwith.

B/o.

GK



THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.29264 OF 2016

28.02.2017

Gk