

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.36598 OF 2017

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, challenge is to the notice bearing No.09-01/UC/W.No.118/CIRCLE-23/WZ/GHMC/2017, dated 8.08.2017.

2. I have heard the submissions of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, Sri *Sampath Prabhakar Reddy*, learned Standing Counsel appearing for respondents 2 & 3 and of Sri *L. Prabhakar Reddy*, learned Standing Counsel appearing for the 4th respondent.

3. Learned counsel for the petitioner would submit as follows: 'The petitioner is the owner of the subject property and that without any notice, markings were made on the property of the petitioner. To the surprise of the petitioner, a notice, dated 08.08.2017, was issued under Sections 452(1) and 461 (1) of the Hyderabad Municipal Corporation Act, 1955. To the said notice, a reply, dated 22.08.2017, was issued; and, a legal notice, dated 19.09.2017, was also sent; and, there was no reply to the said notice. Therefore, the notice is impugned by filing the present writ petition. The action initiated by respondents 2 and 3 is totally without jurisdiction.'

4. However, Sri *Sampath Prabhakar Reddy*, learned Standing Counsel for respondents 2 and 3 would submit that the notice impugned in the writ petition is only a show cause notice and that

the representation of the petitioner would be considered and appropriate action would be taken in strict accordance with the law.

5. Learned counsel for the petitioner submitted that the representation of the petitioner, dated 22.08.2017, and legal notice, dated 19.09.2017, have to be considered.

6. Since the notice impugned is only a show cause notice and as the explanation of the petitioner is already stated in reply to the impugned notice, dated 22.08.2017, and in the legal notice, dated 19.09.2017, the Writ Petition is disposed of directing the 3rd respondent to consider the representation of the petitioner, dated 22.08.2017, and pass appropriate orders within a period of four (04) weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law and communicate a copy of the decision taken on the representation of the petitioner within a week thereafter to the petitioner. The 3rd respondent shall issue a notice under proper acknowledgement calling the petitioner for oral hearing before any order is passed, as directed supra. However, on failure of the petitioner to attend the oral enquiry, the 3rd respondent is at liberty to pass appropriate orders considering the above said explanation of the petitioner. Till such exercise, as directed in this order, is completed, no coercive steps or action shall be taken by the respondents pursuant to the impugned notice, dated 08.08.2017.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 2nd November, 2017

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