

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.38896 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following the relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondent No.4 in issuing the impugned notice to the petitioner under Section 406 of HMC Act, 1955, vide proceedings Notice No.11/ TP/ Cir-11/ GHMC/ 2017 Dated 06-06-2017 for the demolition of the petitioner's house No.2-25/ 11/ B, situated in Sy.No.6/ 1E at Indira Nagar, Gachibowli, Hyderabad without any prior show cause notice is illegal, improper, against the principles of natural justice, and violation of fundamental rights of the petitioner guaranteed under Constitution of India, and set aside the same. And consequently direct the respondents herein not to interfere with the peaceful possession of the said petitioner's house without due process of law, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.” [Reproduced verbatim]

2. I have heard the submissions of *Sri N.Saida Rao*, learned counsel appearing for the petitioner; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent; and of *Sri Sampath Prabhakar Reddy*, learned Standing Counsel appearing for GHMC. I have perused the material record.

3. Learned counsel for the petitioner would submit that to the impugned notice, dated 06.06.2017, a detailed explanation/representation, dated 31.10.2017, was given by the petitioner and that if the petitioner's explanation/representation is separately considered and disposed of, in

accordance with the procedure established by law, the ends of justice would be met.

4. *Sri Sampath Prabhakar Reddy*, learned Standing Counsel appearing for respondents 2 to 4 endorses the said submission.

5. Recording the said submissions, the writ petition is disposed of directing the 4th respondent to consider and dispose of the explanation/ representation, dated 31.10.2017, of the petitioner separately in strict accordance with the procedure established by law, however, within a period of two weeks from the date of receipt of a copy of this order; and, communicate the decision taken thereon to the petitioner within a week thereafter.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

04.12.2017

Note:- Issue CC within three days
(B/ o)
RAR

M. Seetharama Murthi, J



