

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.37568 of 2017

ORDER:

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

“....it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of MANDAMUS, or any other appropriate writ or writs, declaring the action of the Respondent No.2 & 3, in issuing the Notice U/s406 of HMC Act vide Notice No.23/TP/Cir-ii/GHMC/2017, dated 06-06-2017 to the petitioners is illegal, arbitrary and against the provisions of the GHMC Act and consequently direct the respondents not to pull down the structures of the petitioners property (3.35 Meters) in pursuance of the impugned Notice dated 06-06-2017 may pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of *Sri Muddu Vijai*, learned counsel appearing for the petitioner; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1<sup>st</sup> respondent, and of *Sri Sampath Prabhakar Reddy*, learned Standing Counsel appearing for the respondents 2 and 3. I have perused the material record.

3. Learned counsel appearing for the petitioner would submit that if the reply, dated 22.06.2017, to the Show-cause notice, dated 06.06.2017, is considered and disposed of in accordance with the procedure established by law, the ends of justice would be met.

4. Learned Standing Counsel appearing for the respondents endorses the said submission.

5. Having regard to the facts & submissions, the 3<sup>rd</sup> respondent is directed to consider and dispose of the reply, dated 22.06.2017, in strict accordance with the procedure established by law, however, within a period of three 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. Till such exercise is completed, no coercive action shall be taken against the subject property of the petitioner.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

07.12.2017  
RAR



M. Seetharama Murthi, J