

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.36565 OF 2017

ORDER:

Heard Mrs. Kalpana Ekbote, learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development Authority for respondent No.1, Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondent Nos.2 and 3, and Sri C. Prabhakar Reddy, learned Standing Counsel for respondent No.4.

2. In this Writ Petition, under Article 226 of the Constitution of India, challenge is to the notice bearing No.06-01/UC/W.NO.118/CIRCLE-23/WZ/GHMC/2017, dated 08.08.2017.

3. Learned counsel for the petitioner would submit that the petitioner is the owner of the subject property and that without any notice, markings were made on the property of the petitioner and to the surprise of petitioner, the impugned notice, dated 08.08.2017, was issued under Sections 452(1) and 461 (1) of Hyderabad Municipal Corporation Act, 1955. She would further submit that to the said notice, a reply, dated 09.09.2017, was issued and a legal notice, dated 23.09.2017, was also sent and there was no reply to the said legal notice and that, therefore, the notice, dated 08.08.2017, is impugned by filing the present Writ Petition. She would further submit that the action initiated by respondent Nos.2 and 3 is totally without jurisdiction.

4. Learned Standing Counsel for respondent Nos.2 and 3 would submit that the notice impugned in the Writ Petition is only a show-cause notice and that the reply of the petitioner would be

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

5. Learned counsel for the petitioner would submit that the reply of the petitioner, dated 09.09.2017, and legal notice, dated 23.09.2017, 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 the reply to the notice of the Corporation and in the legal notice, respondent No.3 is directed to consider the reply and legal notice of the petitioner and pass appropriate orders in strict accordance with the law within four weeks from the date of receipt of a copy of this order and communicate a copy of the said order, if any passed, to the petitioner within a week thereafter. Respondent No.3 shall issue 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, respondent No.3 is at liberty to pass appropriate orders considering the reply and legal notice 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.

7. Accordingly, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

M.SEETHARAMA MURTI, J

November 01, 2017
MD