

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.36537 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.12-01/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 that to the surprise of petitioner, the impugned notice, dated 08.08.2017, was issued under Sections 452(1) and 461 (1) of the Hyderabad Municipal Corporation Act, 1955. She would further submit that to the said notice, a reply, dated 23.08.2017, was issued and that a reply legal notice, dated 19.09.2017, was also sent and that 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 also 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 23.08.2017, and legal notice, dated 19.09.2017, have to be considered and disposed of in accordance with the procedure established by law.

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 also in the legal notice, the respondent No.3 is directed to consider the said reply and legal notice of the petitioner and pass appropriate orders in strict accordance with the law, however, 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. It is needless to state that the respondent No.3 shall issue a notice under proper acknowledgement calling upon the petitioner for oral hearing before any order is passed as directed supra. However, in the event of failure of the petitioner to attend the oral enquiry despite service of notice, the respondent No.3 shall be at liberty to pass appropriate orders considering the contents of 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

