

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.37028 of 2017

ORDER:

In this writ petition, the relevant submissions of the writ petitioner are as follows: - 'One notice, dated 24.10.2017, under Section 452(2) of the HMC Act, 1955, was given by Assistant City Planner, Saroor Nagar Circle-5, GHMC/ 4th respondent and another notice, dated 27.10.2017, under Section 406 of the said Act was issued by the Deputy Commissioner, Saroornagar Circle-5/ 3rd respondent; in the first notice it is stated that the petitioner illegally and unauthorisedly constructed ground floor and first floor without permission from GHMC; by the later notice, the petitioner was directed to remove the encroachment as shown in the plan annexed to the said notice within 14 days from the date of receipt of the said notice; it is also stated that on failure to comply with the said demand further action will be taken to remove/ alter/ pull down the structure; when such notices were received by the two tenants in the occupation of the property of the petitioner, the petitioner submitted an explanation, on 31.10.2017; even without taking a decision on such explanation, the officers concerned of the municipality came to the property and took measurements stating that they are going to demolish the properties, on 07.11.2017; therefore, the petitioner is constrained to file the writ petition.'

Learned standing counsel representing the respondents 2 to 4, while bringing to the notice of the Court the plan attached to the second notice, would submit that the affected portion of the nala is shown in the plan and that the writ petition can be disposed of with appropriate directions as the said respondents are not going to take any coercive steps or action except by following the procedure established by law.

Learned counsel for the petitioner endorses the said submission of the learned standing counsel.

Recording the submissions, the Writ Petition is disposed of directing the respondents 2 to 4 to consider and dispose of the explanation, dated 31.10.2017, of the petitioner and pass appropriate orders in strict accordance with the procedure established by law as expeditiously as possible and serve a copy of the same on the petitioner within a week thereafter. Respondents 2 to 4 are further directed not to demolish the property of the petitioner or take any coercive action against the subject property of the petitioner except by following the procedure established by law. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

03.11.2017

Note: Issue CC by 06.11.2017.

[B/o]

Vjl

M. Seetharama Murthi, J

