

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38055 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to declare the action of the 1st to 3rd respondent in interfering into peaceful possession and enjoyment of petitioner’s property bearing Municipal No.F-6, in Survey Nos.41, 174, 177, 178, 180/1, 182 and 211, Ward No.8, Block No.1, admeasuring 90 Sq.Yards, Situated at Tolichowki, Shaikpet Village and Mandal, Hyderabad, Telangana and not allowing to construction activity as being illegal, arbitrary.”

(Reproduced Verbatim)

2. I have heard the submissions of Sri *Gulam Rabbani*, learned counsel for the petitioner and of Sri *Sampath Prabhakar Reddy*, learned Standing Counsel for respondents 2 and 3. I have perused the material record.

3. The grievance of the writ petitioner is that respondents 2 and 3 are forcefully stopping the construction activities in the subject property of the petitioner, without following the procedure established by law. Learned counsel for the petitioner would submit that the notice, dated 31.10.2017, is not personally served on the petitioner, but it was affixed on the property and therefore, within the time mentioned in the said notice, the petitioner could not submit his explanation or objections.

4. Learned Standing Counsel having taken notice for respondents 2 and 3, would submit that when there is refusal to receive the notice, the service was affected by affixture, by affixing

the notice on the property; and that the writ petition challenging a show cause notice is not maintainable.

5. Having regard to the submissions, the Writ Petition is disposed of giving liberty to the petitioner to submit a written explanation or objection, within a week from today to the afore-stated notice, dated 31.10.2017. On petitioner submitting such representation with objections, the respondent authority concerned shall consider and take an appropriate decision in the matter, as expeditiously as possible and communicate the decision taken thereon to the petitioner, within a week thereafter. In the meantime, the petitioner shall not proceed with any further constructions in the subject property and shall maintain absolute *status quo* as on today.

As a sequel, 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 14, 2017

Note:

Issue C.C. tomorrow.

(B/o)

YVL

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Date: 14.11.2017