

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.43995 OF 2016

Dated:04.01.2017

Between:

G. Kavala Sai, S/o. G.V. Gopala Rao,
Aged 61 years, Occ: Retired,
H.No.7-1-2 & 3, Shantibagh Apartments,
Greenlands, Ameerpet, Hyderabad

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Municipal Administration
and Urban Development Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.43995 OF 2016

ORDER:

Heard. With the consent of learned counsel for the parties, this Writ Petition is being disposed of at the stage of admission.

2. The petitioner challenges the notice, dated 09.11.2016, issued by the Deputy Commissioner, GHMC, Hyderabad, the 2nd respondent, under Sections 452 (1) and 461 (1) of the Greater Hyderabad Municipal Corporations Act, 1955, alleging that as per Online Grievance bearing No.2016-10-W289389 dated 24.10.2016, they observed unauthorised constructions encroaching common area of the Ground Floor of Shanthibagh Apartments, situated at Green Lands, Ameerpet, Hyderabad, purported to have been made by him. It is also stated in the notice that the respondents would pull down the alleged unauthorised construction within seven days of the notice. The petitioner apprehends that without considering the explanation submitted by him on 15.11.2016 to the said notice, the respondent – Corporation would take coercive action against him. Hence, he seeks a direction to the respondents in this regard.

3. It is not in dispute that on receipt of the notice, dated 09.11.2016, the petitioner submitted his explanation on 15.11.2016. Hence, it is needless to observe that once explanation is submitted, the respondent – Corporation would consider the same and pass a reasoned order before taking any coercive action.

4. Learned Standing Counsel for the respondent – Corporation, on instructions, submits that so far no final orders are passed pursuant to the impugned notice.

5. Having regard to the said submission, the Writ Petition is disposed of, without expressing any opinion on the merits of the case, directing the respondent – Corporation not to take any coercive action against the petitioner until the explanation submitted by the petitioner is considered and a reasoned order is passed. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

Date:04.01.2017

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P. NAVEEN RAO, J

