

HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.41902 of 2017

ORDER:

This writ petition is filed assailing the action of the respondents in issuing individual notices, dated 23/ 31.10.2017.

2. I have heard the submissions of learned counsel for the petitioners and of Sri Sampath Prabhakar Reddy, learned Standing Counsel appearing for the second respondent. I have perused material record.

3. By the aforesaid individual notices, the explanations of the petitioners were stated to have been disposed of and the petitioners were directed to remove the extended portions on the common area of ground floor of Shanthibagh Apartments within three days; and, it was further stated in the said individual notices that on failure of the petitioners to do so, further action will be taken as per Sections 636/ 596/ 461(4)/ 461A of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act').

4. Learned counsel for the petitioners would submit as follows: 'The first notice, in respect of the same matter, was issued on 09.11.2016 under Sections 452(1) and 461(1) of the Act. An explanation was promptly submitted by the petitioners. Later, no action was taken. However, the impugned notices were issued by making a reference to online grievance, dated 24.10.2016, and a telephonic complaint, dated 10.10.2017, said to have been given by one Jayaprakash. A copy of the said complaint is not furnished to any of the petitioners and without affording an opportunity to them to submit their explanations, if any, in response to the said complaint, coercive action is being taken.'

5. Learned Standing Counsel appearing for the second respondent would submit that individual notices were issued to the petitioners and therefore, a group writ petition is not maintainable and that they have

to file separate writ petitions. He supported the notices impugned in the writ petition stating that the said notices were issued in accordance with procedure established by law.

6. Admittedly, a copy of the online grievance complaint said to have been given by one Jayaprakash was not furnished to the petitioners before issuing the impugned notices. In that view of the matter, this Court is of the considered view that the writ petition can be disposed of by passing appropriate orders.

7. In the result, the Writ Petition is disposed of and the notices impugned are set aside. The second respondent is directed to furnish to the petitioners a copy of the online grievance complaint, dated 24.10.2016, said to have been given by one Jayaprakash and afford an opportunity to the petitioners to submit their written explanations within a reasonable time and then, take a decision afresh in the matter in strict accordance with the procedure established by law and communicate the same to the petitioners within a week thereafter. Till the above said exercise is completed, no coercive steps or coercive action shall be taken in respect of the properties of the petitioners. Nonetheless, the petitioners shall maintain absolute *status quo* without making any alternations or further constructions in the subject properties except by following the procedure established by law. If the petitioners make any further constructions without obtaining necessary permissions, the second respondent authority is at liberty to proceed against such constructions by following the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 15.12.2017
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