

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.44526 OF 2017

ORDER

This writ petition is filed for the following relief:

“...to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the impugned notice issued by respondent No.5 u/s.636 of the H.M.C, Act, 1955, dt. 11.10.2017, without issuing show cause notice as mandated u/s.452(1)(a) &(b) of HMC Act,1955 based on a unknown tweet said to have posted on 27.09.2017 in twitter messenger in respect of residential house bearing H.No.41-12/15 on Plot No.15 in Sy.No.375/1 admeasuring 283.11 square yards equivalent to 236.68 square meters situated at Chand Bagh, Malkajgiri circle 17 (Old) 28 (New), Medchal District is as being illegal, arbitrary and violation of Article 14 & 300-A of the Constitution of India and principles of natural justice and set aside the same.”

Heard learned counsel for the petitioner and learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent and learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 to 5.

It is the case of the petitioner that he is absolute owner and possessor of residential house bearing H.No.41-23/15 in Sy.No.375/1 admeasuring 283.11 square yards situated at Chand Bagh, Malkajgiri Circle 17 (old) 28 (new), Medchal District, having purchased the same from one K.Aga Reddy through registered sale deed dated 25.05.2013. Thereafter, he made an application to the 3rd respondent for regularization of the said property. Accordingly, the 3rd respondent *vide* proceedings dated 22.07.2016 regularized the same. After obtaining permission from the respondent-authorities, he constructed ground + two floors. While so, the 5th respondent issued the impugned notice on 11.10.2017 calling upon the petitioner to pull down/remove the unauthorized construction of commercial shop at ground floor and pent house at 3rd floor. Hence, the present writ petition.

A perusal of the impugned notice dated 11.10.2017 itself discloses that the same was issued based on a twitter complaint of one Pavan Kumar dated 27.09.2017. Pursuant to the same, notice dated 27.09.2017 was issued twice on

the same day. As there was no response, the impugned notice was issued.

When the matter came up for hearing on 27.07.2017, learned Standing Counsel appearing for respondents 2 to 5 sought time for production of the notices issued to the petitioner.

Today, learned Standing Counsel produced the said notices, which disclose that the notice dated 27.09.2017 appears to have been issued to one P.Laxmi(watchman), and another notice dated 4.10.2017 was served on watchman, who put his thumb impression.

By no stretch of imagination, proper notice should have been issued to the petitioner.

Under those circumstances, the impugned order dated 11.10.2017 is set aside. The respondent-authorities are directed to issue appropriate notice to the petitioner in accordance with the rules and thereafter, take appropriate action. The copies of notices which alleged to have been issued by the respondents shall be served on the petitioner and give him an opportunity to submit his explanation. On receipt of such an explanation, appropriate order shall be passed specifically listing out the deviations, if any, and

also the proposed action in terms of the rules. It is made clear that any constructions made by the petitioner shall be strictly in accordance with the sanctioned plan.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE CHALLA KODANDA RAM

28th December, 2017

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