

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.681 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit prayed that this Hon’ble Court may be pleased to issue a Writ, order or direction, one more particularly, in the nature of a writ of Mandamus declaring the action of the respondents in interfering with the possession and rights of the petitioners’ Flat No.401, 4th Floor, “Vrushabadri Nilayam” with built up area of 1050 Sft (including common areas and car parking) along with an undivided share of land admeasuring 45 square yards or 37.62 Sqm (out of 400 square yards) constructed on Plot Nos.8 & 9, Situated at Gayathri Nagar, Allapur Village Kukatpally Circle, Balanagar Mandal, Ranga Reddy District and threatening to demolish part of the building without considering the petitioner’s reply dated 16-12-2017 as being illegal, arbitrary, unconstitutional and in violation of principles of natural justice apart from being contrary to the provisions of the Hyderabad Municipal Corporation Act, 1955 and consequently set aside the notice dated 22-11-2017 directing the respondents not to interfere with the rights of the petitioner property, and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.”

(Reproduced verbatim)

- 2.** I have heard the submissions of Sri *V.M.M.Chary*, learned counsel appearing for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *Sampath Prabhakar Reddy*, learned Standing Counsel, representing the respondents 2 & 3. I have perused the material record.

- 3.** In this writ petition, the challenge is to the notice, dated 22.01.2017, whereby the petitioners were called upon to remove

unauthorized structures within the time frame mentioned in the notice. It was further stated in the said notice that on failure of the petitioners to comply with the said demand, the structures of the petitioners will be pulled down. However, a perusal of the notice impugned shows that there are blanks in it and, therefore, the notice is defective.

4. In that view of the matter, learned counsel for the petitioners submits that the notice impugned is liable to be set aside.

5. However, learned Standing Counsel for respondents 2 & 3 would submit that in the event the notice impugned is set aside, liberty may be reserved to the said respondents to issue a fresh notice and proceed further in the matter, in accordance with procedure established by law.

6. Recording the submissions, the Writ Petition is disposed of setting aside the notice impugned and reserving liberty to the respondents 2 & 3 to issue a fresh notice, if necessary, and proceed further in the matter, in accordance with procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 4th January, 2018

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