

WRIT PETITION No.1536 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“ ....to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the 3<sup>rd</sup> respondent in passing order in Notice No.28/ UC/ W.No.116/ CIR-23/ WZ/ GHMC, dated 08.01.2018 without considering the explanation submitted by the petitioner dated 23.12.2017 as illegal, arbitrary and consequently set aside the notice dated 08.01.2018 and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Municipal Administration representing respondent No.1 and Sri Sampath Prabhakar Reddy, learned Standing Counsel, who offers to file vakalat for respondent Nos.2 and 3 and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. A perusal of the impugned notice issued under Section 636 of the Hyderabad Municipal Corporation Act, 1955, dated 08.01.2018 clearly speaks as if from para No.2 no reply given. It is the Circle-23 of Moosapet, who issued the impugned notice that acknowledged the reply given by the petitioner way back on 23.12.2017.

4. Having regard to the above, the impugned notice as if there is no reply given, despite received the reply and non-consideration of the same is liable to be set aside.

5. Accordingly, the Writ Petition is allowed by setting aside the impugned notice dated 08.01.2018 and the respondents are directed to consider the explanation/reply already submitted by the petitioner and acknowledged by the respondent-authorities on 23.12.2017 and pass fresh orders with reference to the said explanation on own merits and communicate the same to the petitioner before implementation. Further remedies are left open.

6. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.01.2018

Note:  
Issue C.C. tomorrow.  
B/o.  
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