

WRIT PETITION No.2060 of 2018

ORDER:

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

“to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus declaring the Notice bearing No.16ACP/ C-6/ GHMC/ 2018 dated 18.01.2018, issued by the third respondent under sections 456 and 459 of the Hyderabad Municipal Corporations Act, as illegal, arbitrary, unjust and violation of the provisions of the Municipal Corporation Act, 1955 and also violation of the Articles 14 and 300-A of the Constitution of India and consequently set aside the notice bearing No.16ACP/ C-6/ GHMC/ 2018, dated 18.01.2018, issued by the third respondent and pass such other order or orders as are deemed fit and proper”

2. Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration appearing for respondent No.1 and Sri P.Krishna 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 other material on record.

3. The impugned notice issued by respondent Nos.2 and 3 dated 18.01.2018 shows that the overhead tank of the building of the petitioner is likely to collapse causing danger to the lives of the inmates/ surrounding building and the public passing through the road/ lane on the front/ sides of the building and thereby, to explain within three days.

4. The submission of the learned counsel for the petitioner is that the overhead tank is no way in dilapidated condition and the petitioner is going to undertake the repairs, if a reasonable time is given, rather chosen to collapse/ dismantle.

5. Having regard to the above, this Writ Petition is disposed of, directing the petitioner to undertake the repairs of the overhead tank, within one month from today and intimate the same to the respondent Nos.2 and 3, who in turn inspect the fitness and condition of the overhead tank and if it is still not fit, the respondents are entitled to proceed with in accordance with law, pursuant to the notice issued by them.

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

Date: 25.01.2018
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JUSTICE Dr. B.SIVA SANKARA RAO

