

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.2219 of 2018

ORDER:

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

“to issue a Writ or order or direction more particularly one in the nature of 'Writ of Mandamus' declaring the impugned Notice dated 18-01-2018 of the 2nd respondent issued under Section 406 of the Greater Hyderabad Municipal Corporation Act, 1955, is illegal, arbitrary and violative of Article 14, 21 and 300-A of the Constitution of India, apart from being violative of principles of natural justice, and consequently set aside the same, and pass such further other order or orders as this Hon'ble Court may deemed fit just and proper in the circumstances of the case.”

2. Heard the learned counsel for the petitioners, learned Government Pleader for Municipal Administration appearing for respondent No.1 and Sri A.Pandu Rangarao, learned Standing Counsel, who offers to file vakalat for respondent No.2 and perused the prayer in the writ petition with supporting affidavit and other material on record.

3. Undisputedly, the said Chagarlamudi Subramanyam is not alive and the petitioners are his legal heirs. The impugned notice dated 18.01.2018 referring to Section 406 of the Greater Hyderabad Municipal Corporation Act, 1955, is not even as per the procedure.

4. Having regard to the same, this Writ Petition is allowed setting aside the impugned notice. It is needless to say, if at all the subject land is a water body and originally classified as tank, the respondents cannot use the same either as dumping yard or

allow any encroachment, but for, to restore the water body apart from the contention of the petitioners that it is the land belongs to them, to enquire and to take necessary action for removal of any encroachment, by following the due process of law, by giving notices to the petitioners for the addresses furnished by them in the writ petition and giving them an opportunity of being heard.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 25.01.2018
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