

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.3246 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Sri Sampath Prahakar Reddy, learned Standing Counsel, who offers to appear for respondent Nos.2 to 4 on instructions and perused the prayer in the writ petition with supporting affidavit and other material on record.

2. The prayer in the writ petition reads as follows:

“.....to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents particularly 4th respondent in passing the Order No.139/15/TPS/C-14/CZ/GHMC/2017 dt.12.12.2017 by directing to submit the explanation or to remove the structures of the petitioner building and also to demolish the same within (7) days is illegal, arbitrary and against the principles of natural justice and also violation of the HMC Act and consequently set aside the same in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

3. It is the impugment in support of the prayer in the writ petition from the affidavit that respondents are trying to take law to their hands despite the construction is as per the approved plan and permission. In fact, it is only a show-cause notice, dated 12.12.2017, to explain as to why the deviations to the plan shall not be pull down or removed or altered in designating the same as unauthorised construction within

the purview of the Act to take recourse. It is not the case of the petitioner that any explanation so far submitted to it.

4. Having regard to the above, the petitioner is delegated to submit explanation to the show-cause notice within (15) days from the date of receipt of a copy of this order and respondent Nos.2 and 3 shall pass appropriate order within one month thereafter and communicate the same to the petitioner. In the meantime, they shall not demolish the existing structure. If no representation submitted within the time supra, the respondents can proceed pursuant to the show-cause notice. Further remedies of the petitioner, if any, left open.

5. With the above directions, the writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

2nd February 2018

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Dr. B. SIVA SANKARA RAO, J