

The Hon'ble Dr. Justice B.Siva Sankara Rao

Writ Petition No.3904 of 2018

Dated 07.02.2018

Order:

Heard learned Counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and Sri Chatla Madhu, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC), who offers to appear from the oral instructions of respondent Nos.2 and 3, before ordering notice to the unofficial respondent No.4. Perused the prayer in the Writ Petition and the supporting affidavit.

The prayer in the Writ Petition reads as under:

“to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent Nos.2 & 3 in trying to demolish the boundary wall of Sanjana Vishal Apartment, situated in plot No.14, 15 and 16 in Survey No.12 and 24, Petbasheerabad, Quthbullapur, Hyderabad pursuant to the notices issued by the 3rd respondent vide letter no.12/UC/TPS/C2/GHMC/2017, dated 23.12.2017 and letter no.12/UC/TPS/C25/GHMC/2018, dated 29.01.2018 basing on the alleged complaint given by the 4th respondent with regard to the civil dispute as illegal, arbitrary, abuse of process of law, beyond jurisdiction and is a clear case of violation of principles of natural justice and contrary to the rules and set aside the notices issued by the 3rd respondent vide letter no.12/UC/TPS/C25/GHMC/2017, dated 23.12.2017 and letter no.12/UC/TPS/C25/GHMC/2018, dated 29.01.2018....”

Learned Counsel for the petitioner- Association submitted that the construction of their apartment and the subject compound wall was completed in 2013; that occupancy certificate was also issued in 2013, but at the behest of respondent No.4, respondent Nos.2 and 3 are trying to demolish the said compound wall.

Sri Madhu Chatla, learned Standing Counsel for GHMC, submitted that the complaint made by respondent No.4 is being enquired into; that a decision will be taken and an order will be passed thereafter; and that the respondents are not going to demolish the subject compound wall without following the due process of law.

The above submission of the learned Standing Counsel is placed on record and the Writ Petition is disposed of directing the respondents to give the petitioner an opportunity of being heard during the course of enquiry being made in pursuance of the complaint of respondent No.4 and before passing an order.

As a sequel to disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(Dr.B.Siva Sankara Rao, J)

Dt: 7th February, 2018
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