

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.6454 of 2013

ORDER:

This writ petition is filed to declare the action of the 2nd respondent in issuing the impugned proceedings No.662/2/81/ACP-10/W6-3/CZ/GHMC/2013, dated 28.1.2013 as illegal, arbitrary and contrary to the provisions of the Hyderabad Municipal Corporation Act, 1955.

Heard Sri L.Venkateswara Rao, learned Standing Counsel for Municipal Corporation.

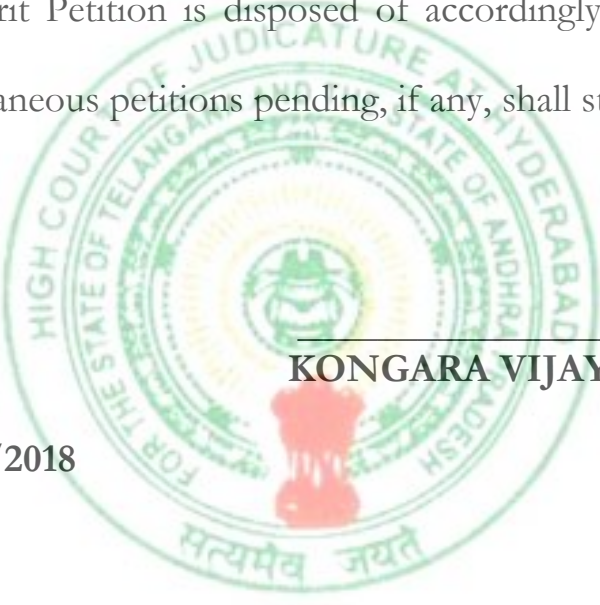
The main contention of the petitioner is that notice under Sections 452 (1) and 461(1) of the Hyderabad Municipal Corporation Act was not issued to him; straight away the impugned notice has been issued under Section 636 of the Hyderabad Municipal Corporation Act on 28.2.2013 and that he did not violate any provisions of the Hyderabad Municipal Corporation Act and did not make any unauthorized construction.

Counter affidavit has been filed by the respondents stating that notice under Section 451(1) and 461(1) of the Hyderabad Municipal Corporation Act was issued to the petitioner and they enclosed a copy of the notice to the counter affidavit filed by them, which contains the signature of a person and written below as watchman.

Admittedly notice was served on a person, who is a watchman.
The acknowledgment does not show that the person, who received it,
is the watchman of the petitioner

In view of the facts and circumstance of the case, the notice
issued under Sections 452 (1) and 461(1) of the Hyderabad Municipal
Corporation Act and the impugned proceedings dated 28.2.2013 are
set aside. However, the respondents are at liberty to issue fresh notice
to the petitioner and take action in accordance with law.

The Writ Petition is disposed of accordingly. No order as to
costs. Miscellaneous petitions pending, if any, shall stand closed.



KONGARA VIJAYA LAKSHMI, J

Date: 06/12/2018
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