

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.29087 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit it is prayed that this Hon’ble Court may be pleased to issue any writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the 1st Respondent in initiating and purporting to cause destruction and demolition of the petitioner’s buildings/hostels including by issuing the notice vide Lr. GPG/188/10/2016 dated 20.08.2016 as illegal, arbitrary, unconstitutional and without jurisdiction and set aside the notice vide Lr. GPG/188/10/2016 dated 20.08.2016 issued by the 1st Respondent and direct the respondents not to interfere with the rights of the petitioner in relation to the hostels and buildings in land totally admeasuring Ac. 1-7 1/2 guntas in Survey nos 595(P), 596(P) and 597(P) situated at Gudlapochampally village, Medchal Mandal, Ranga Reddy District in any manner including by demolition or otherwise and pass such order or other orders as this Hon’ble Court deems fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Tarun G.Reddy*, learned counsel appearing for the petitioner, of Sri *G.Narender Reddy*, learned Standing Counsel appearing the 1st respondent, of Sri *V.Narasimha Goud*, learned Standing Counsel for Hyderabad Metropolitan Development Authority (HMDA), appearing for the 2nd respondent, and of the learned Government Pleader for Municipal Administration, appearing for the 3rd respondent. I have perused the material record.

3. From the pleadings and submissions, it is discernible that the writ petition is filed assailing a show cause notice wherein, it is *inter alia* stated that the construction of the buildings made by the

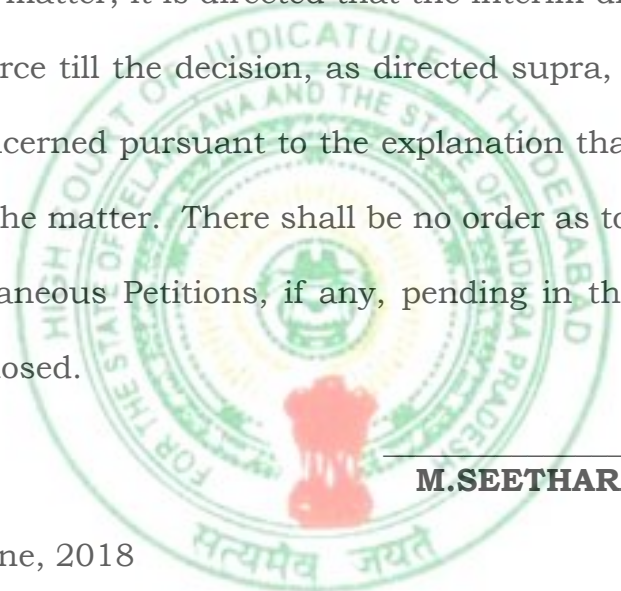
petitioner without obtaining permission from the competent authority are illegal and that the 2nd respondent authority had also rejected the application for BRS. Further, by the said notice, the petitioner is directed to show cause as to why the illegal construction shall not be demolished within seven (07) days from the date of notice. Instead of offering an explanation to the show cause notice within the time specified therein, the present writ petition is filed.

4. At the hearing, learned counsel for the petitioner submitted that this writ petition may be disposed of in terms of the orders, dated 08.08.2017, of this Court in W.P.No.12165 of 2014 and batch.

5. However, learned Standing Counsel for HMDA appearing for the 2nd respondent stated that the facts of the present case are different, and that, therefore, this writ petition need not be disposed of in terms of the orders in the afore-stated writ petition and batch. He further submitted that since the writ petition is filed without offering an explanation to the show cause notice, the writ petition may be disposed of giving liberty to the petitioner to offer an explanation within a time frame and further directing the appropriate authority to consider the explanation and take a considered decision in the matter. Learned counsel for the petitioner also submits that if the writ petition is disposed of accordingly, the ends of justice would be met. However, he prayed for protecting the interests of the writ petitioner by directing to maintain the interim order till the disposal of the explanation that may be offered by the petitioner.

6. Recording the submissions, the Writ Petition is disposed of directing the petitioner to offer his explanation to the impugned show cause notice within a period of four (04) weeks from the date of receipt of a copy of this order. It is needless to state that the authority concerned, on receipt of such explanation, shall consider and dispose of the same by passing a reasoned order within four (04) weeks thereafter by following the procedure established by law and communicate the decision taken thereon to the petitioner within a week thereafter. Having regard to the submissions and the nature of the matter, it is directed that the interim direction granted shall be in force till the decision, as directed supra, is taken by the authority concerned pursuant to the explanation that the petitioner may offer in the matter. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.



M.SEETHARAMA MURTI, J

Date: 12th June, 2018

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THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



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Date: 12th June, 2018

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