

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.7753 of 2018

ORDER:

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

“.....to issue a Writ, Order or Direction, more particularly one in the nature of Writ of CERTIORARI, or any other appropriate Writ or writs, call for the record, quash/set aside the impugned Notice U/s 6369 of the HMC Act, 1955 vide Notice No.G.05443/ ACP/ C28/ TPS/ GHMC/ 2018, dated 06-03-2018, issued by the Respondent No.3, without considering the Reply/explanation dated 28-02-2018 submitted by the petitioner, as illegal, arbitrary, against the principles of natural justice and against the provisions of HMC Act, and consequently direct the respondents NO.2&3 not to interfere with the construction of the petitioner in the property bearing Plot No.848-A, in Sy.No.218/ 1, adm.100 Sq.Yards, situated at Defense Colony, Malkajgiri Village, Medchal District, and may pass such other order or orders as this Hon'ble may deem...”

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Sri Chatla Madhu, learned Standing Counsel for respondents 2 and 3 and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. Undisputedly, there is notice under Section 452 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), issued to the petitioner on 21.02.2018, pointing out the unauthorized constructions and also deviations to the sanctioned plan. For that, there is a reply given by the petitioner on 28.02.2018, which is also acknowledged by respondent No.3- Assistant City Planner. It is, pursuant to which, if at all the order to be passed under Section 636 of the Act.

4. Coming to the impugned order, dated 06.03.2018, issued under Section 636 of the Act, it is referred in the last but one para, as if, there is no reply given in passing the order dated 06.03.2018 even reply given on 28.02.2018 and acknowledged. Thereby, the impugned order under Section 636 of the Act is liable to be set aside.

5. Accordingly, the Writ Petition is disposed of, directing the respondents to pass fresh orders after considering the reply given by the petitioner, within one week from the date of receipt of copy of this order and communicate the same to her.

6. Miscellaneous petitions pending, if any, shall stand closed.

No costs.

Date: 09.03.2018

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Dr. B. SIVA SANKARA RAO, J

