

THE HONOURABLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.35762 of 2016

ORDER:

The prayer sought for in this writ petition is as under:

“To issue an order or orders or direction or a writ one in the nature of Writ of Mandamus to declare the inaction of the respondents in not initiating action against the final notice, dated 16.05.2016 issued under Section 452 & 461 of HMC Act, as illegal and arbitrary, and consequently direct the respondents No.2 to take action for removal of unauthorised structures specified in the notice dated 16.05.2016.”

Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondent No.2-Corporation.

The grievance of the petitioner in the present writ petition is that the respondent No.3 is running a service centre by raising unauthorised structures, in a residential locality. In spite of giving representation dated 25.3.2016 to the respondent No.2-Corporation, no action has been taken. Therefore, the present writ petition is filed.

Counter affidavit has been filed by the respondent No.2-Corporation stating that pursuant to the

representation dated 25.3.2016, the respondent No.2-Corporation have issued a notice *vide* Rc.No.G6-18786/2016, dated 16.05.2016 under Section 452 and 461 of the Greater Hyderabad Municipal Corporation Act asking the respondent No.3 herein to remove the unauthorised constructions by granting stipulated time to comply with the notice.

During the course of hearing, the learned Standing Counsel for the respondent No.2-Corporation placed on record the proceedings *vide* Roc.No.G6-18786/2016, dated 21.04.2018 issued under Section 636 of the Greater Hyderabad Municipal Corporation Act, asking the respondent No.3 herein to remove the unauthorised construction, within three days from the date of receipt of a copy of the order, otherwise, the said constructions will be removed by the Corporation itself at the cost of the respondent No.3. The learned Standing Counsel also would submit that if any reply is given and if the constructions are not removed, the Corporation will take steps and remove the same.

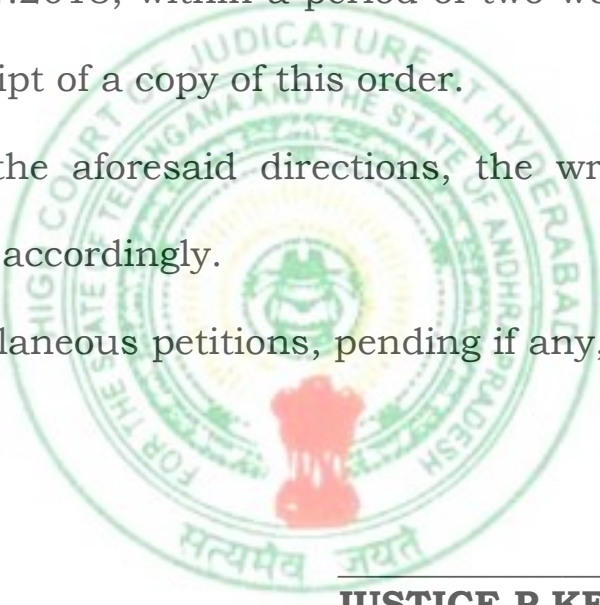
Taking the said submission into consideration and also the averments made in the affidavit in support of the writ petition, this Court is of the opinion that the writ petition can be disposed of, with a direction to the

respondent No.2-Corporation to take appropriate steps pursuant to the notice issued under Section 636 of Greater Hyderabad Municipal Corporation, dated 21.04.2018, within a stipulated period.

Accordingly, the respondent No.2-Corporation is directed to take further course of action pursuant to the notice issued under Section 636 of Greater Hyderabad Municipal Corporation Act, *vide* Roc.No.G6-18786/2016, dated 21.04.2018, within a period of two weeks from the date of receipt of a copy of this order.

With the aforesaid directions, the writ petition is disposed of accordingly.

Miscellaneous petitions, pending if any, shall stands closed.



JUSTICE P.KESHA RAO

Date: 26.04.2018

Slk

THE HONOURABLE SRI JUSTICE P.KESHA RAO

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Dated 26.04.2018

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