

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.8114 of 2018

ORDER:

Heard learned counsel for the petitioner and Sri A.Pandu Panga Rao, learned Standing Counsel offers to appear from the oral instructions on behalf of respondent and perused the prayer in the writ petition with supporting affidavit and the impugned notice issued under Section 636 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') dated 22.12.2017.

2. The prayer in the writ petition reads as follows:

.....to issue a Writ of Mandamus or any other appropriate declaring that the action of the respondent corporation in issuing demolition notice, without specifying the details of alleged unauthorized construction/ unauthorized deviation is invalid and impermissible under the provisions of the GHMC Act, 1955 and direct the respondent to forbear from demolishing any of the premises of the petitioner pursuant to the notice in UC.No.21/ 2017, dated 22.12.2017 and grant such other relief as it deems fit in the..."

3. It is stated in the affidavit filed in support of the petition that without specifying the details of the alleged unauthorized construction or deviation, the said notice under Section 636 of the Act issued and in the attempts to demolish the so called construction in the premises of the petitioner-club is unsustainable by taking law into their hands, which made to file this writ petition with no other alternative.

4. It is the submission of the learned Standing Counsel that the very notice dated 22.12.2017 giving sufficient time to comply with under Section 636 of the Act is preceded by the notice under Sections 440, 441 and 452 of the Act that was served in

U.C.No.21/ 2017, dated 16.11.2017 with no reply. Thereby, there is nothing to sustain the writ petition and the same is liable to be dismissed.

5. Heard and perused the material on record.

6. Though, the impugned notice is bereft of details, it referred about the earlier notice under Section 452 of the Act. It is not the case of the petitioner that the said notice also bereft of details and the same is not even filed in the writ petition, as one of the material documents to consider by the Court, even the same is referred in the impugned notice under Section 636 of the Act. If at all, the petitioner wants to regularize the construction pursuant to the said notice under Section 452 of the Act, it could have been applied.

7. Having regard to the above, this Writ Petition is disposed of permitting the petitioner-club to apply within one week from the date of receipt of copy of this order, if at all for regularisation of any unauthorized construction to consider within the limited parameters subject to compliance of the other statutory provisions and the respondent shall pass orders after hearing. In the meantime, the respondent shall not take any coercive steps pursuant to the impugned notice and the petitioner also shall not make any further constructions.

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

No costs.

Dr. B. SIVA SANKARA RAO, J

Date: 13.03.2018
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