

HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 4906 OF 2013

ORDER:

This writ petition is filed to declare the action of the respondent-Corporation in trying to seize the petitioner's function hall bearing No. 19-10-289, situated at Shambunipet Junction, Warangal, without giving any opportunity for regularization under Section 455-A of the H.M.C. Act, 1955 (for brevity "the Act") and without passing any orders under Section 636 of the Act, as illegal and arbitrary.

When the matter came up for admission on 18.2.2013, this Court passed the following interim order:

"Subject to payment of Rs.25,000/- within a period of one week from today to the Municipal Corporation of Warangal, the function hall belonging to the petitioner may not be seized. But however, within fifteen days from today, the petitioner shall file appropriate application before the Municipal Corporation for consideration. The present order will abide by the decision, which the Municipal Corporation will take in the matter."

Heard Sri K.V.Bhanu Prasad, learned counsel for the petitioner and Pingali Lakshmi, learned Standing Counsel for Warangal Municipal Corporation.

Learned counsel for the petitioner submits that pursuant to the interim direction dated 18.2.2013, the payment has been made to the respondent and an application has been filed under Section 455 of the said Act.

Learned Standing Counsel, on instructions submits that the petitioner has not filed any application, whatsoever to the respondent, pursuant to the interim directions, dated 18.2.2013.

In view of the facts and circumstances of the case, the writ petition is disposed of giving liberty to the petitioner to file a fresh application under Section 455 of the Act, within a period of two weeks from the date of receipt of a copy of this order and the respondent is directed to consider the same, after giving opportunity of hearing to the petitioner and pass appropriate orders thereon, within a period of eight weeks thereafter in accordance with law. Till the application filed by the petitioner under Section 455-A of the Act is disposed of, the respondent-Corporation shall not take any coercive measures against the petitioner. However, it is also made clear that, if the petitioner does not make any application within two weeks from the date of receipt of a copy of this order, the respondent is at liberty to take action in accordance with law. No costs.

Miscellaneous petitions, pending if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 11/12/2018

Slk

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