

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.16687 of 2018

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC.

The notice, under Section 452 (2) of the Greater Hyderabad Municipal Corporation Act, 1955 (for brevity, 'the Act'), vide Order No.93/TPS/C1/EZ/GHMC/2018, dated 16.04.2018, issued by the Deputy Commissioner, Kapra Mandal, Medchal-fourth respondent herein, is under challenge in the present Writ Petition.

Earlier, the fourth respondent herein issued a notice, under Sections 452 (2) and 461 (1) of the Act, bearing Order No.93/TPS/C1/EZ/GHMC/2018, dated 16.03.2018, calling upon the petitioner herein to show cause as to why the unauthorized construction should not be removed, altered or pulled down. In response to the said show cause notice, on 27.03.2018, the petitioner herein submitted an explanation. Now, by virtue of the notice under challenge, dated 16.04.2018, the fourth respondent herein proposed further action as per Section 636 of the Act on the ground that the petitioner herein did not submit any reply to the show cause notice.

A perusal of the reply, submitted by the petitioner herein, clearly discloses that the office of the fourth respondent received the same on 27.03.2018. Obviously, without looking into the same, the present impugned notice came to be issued. On this ground alone the impugned notice, dated 16.04.2018, is liable to be set aside and the matter is required to be remitted to the fourth respondent for fresh consideration.

For the aforesaid reasons the Writ Petition is allowed, setting aside the impugned notice, dated 16.04.2018, and the matter is remanded to the fourth respondent for fresh consideration of the issue and for passing appropriate orders after taking into account the reply, dated 27.03.2018, submitted by the petitioner herein. There shall be no order as to costs.

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

04th June, 2018
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A.V.SESHA SAI,J