

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

W.P.No.20378 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Municipal Corporation.

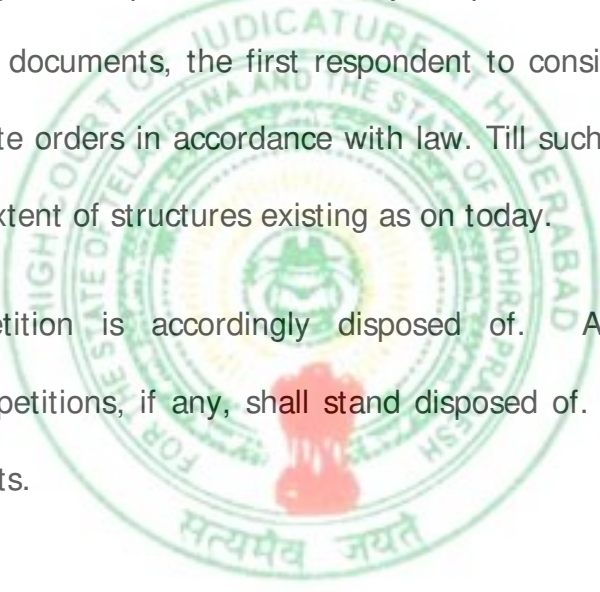
2. It is stated in the affidavit filed in support of the writ petition that the unofficial second respondent herein demanded the petitioner herein to vacate the premises for which the petitioner refused as he cannot get similar accommodation in some other place and when the second respondent tried to dispossess the petitioner from the subject premises petitioner herein filed O.S.No.434 of 2018 for grant of permanent injunction and the same is pending before the Court of Junior Civil Judge, Vijayawada. It is further stated that the first respondent behind back of the petitioner obtained structural stability report at the instance of the second respondent. It is further stated that the second respondent for the purpose of evicting the petitioner influenced the first respondent in issuing the impugned proceedings.

3. It is also contended by the learned counsel for the petitioner that as per the provisions of Section 459 of the Hyderabad Municipal Corporation Act, 1955, it is incumbent on the part of the first respondent to issue notice to the owner or occupier of the property and to afford reasonable opportunity for stating any objection and adducing evidence. It is further submitted that by giving a go-bye to the said provision of law the impugned proceedings came to be issued by the first respondent at the instance of the second respondent to evict the petitioner herein from the schedule premises. Section 459 of the Hyderabad Municipal Corporation Act, 1955 mandates issuance of notice to the owner or the occupier.

4. It is submitted by the learned Standing counsel that the respondent authorities have demolished the building partially and the petitioner has also vacated the building.

5. Having regard to the peculiar facts and circumstances of the case and after hearing the learned Standing Counsel for the first respondent Municipal Corporation, this Court deems it appropriate to dispose of the writ petition, directing the impugned notice to be treated as a show-cause notice and the petitioner herein is at liberty to file explanation for the show-cause notice within a period of one week from the date of receipt of this order and if any such explanation is filed by the petitioner herein along with the supporting documents, the first respondent to consider the same and pass appropriate orders in accordance with law. Till such time, no coercive action to the extent of structures existing as on today.

6. Writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:18.06.2018
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.20378 of 2018

Dated: 18.06.2018

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