

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

W.P.No.25116 of 2018

ORDER:

The grievance of the petitioner in the present writ petition is that without considering the reply dated 09.07.2018 said to have been submitted by the petitioner herein in response to the notice bearing No.IC/TPBO-II/Z-IV/01/2018, dated 25.06.2018, issued under Section 452 (1) and 461 (1) by the Municipal Corporation, Nizamabad, the respondent Municipal authorities are trying to demolish the subject structures.

2. According to the petitioner, it is the Managing Committee running in the name and style of M/s Intezami Committee Mazjid-E-Hussaini constituted to manage the day-to-day affairs of Masjid-E-Hussaini, Hussainpura, Yellammagutta, Nizamabad. It is further submitted that the petitioner Committee is the owner and peaceful possessor of H.No.5-9-866/1A/6 previously (Plot/Hut No.100) admeasuring 111 sq yards equal to 92.8 sq mts, situated at Yellamma Gutta, Nizamabad. The second respondent Municipal Corporation issued a notice under Sections 452 (1) and 461 (1) of GHMC Act, 1955, calling upon the petitioner to show-cause as to why further action for removal of the structures should not be taken while alleging that the petitioner is constructing building without prior permission from the Corporation and encroached the Road 3 feet two sides by laying balcony and stair case. According to the petitioner, he submitted an explanation on 09.07.2018 denying the said allegations made in the said show-cause notice.

3. Since the explanation is pending consideration before the second respondent according to the petitioner herein and as no final orders have

been passed so far, this Court deems it appropriate to dispose of the writ petition directing the second respondent to consider the explanation dated 09.07.2018 said to have been submitted by the petitioner herein and take appropriate action strictly in accordance with law. Till the final order is passed by the second respondent, no coercive action pursuant to the impugned notice dated 25.06.2018 shall be taken.

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

Date:19.07.2018
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A.V.SESHA SAI, J



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Dated: 19.07.2018

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