

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

WRIT PETITION Nos.16253 & 25225 of 2018

COMMON ORDER:

Since these two matters are inter-related, this Court deems it appropriate to dispose of them by way of this common order.

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Corporation and Urban Development and Sri L.Venkateswara Rao, learned Standing Counsel, appearing for the respondents, apart from perusing the material on record.

In W.P.No.16253 of 2018, petitioner-Smt.V.Sudha Vani assails the alleged inaction on the part of the official respondents in taking action against the constructions raised in the second floor by one Sri V.Karuna Sagar, who is the petitioner in W.P.No.25225 of 2018.

In W.P.No.25225 of 2018, notice bearing No.34/ACP-17/TPS/C17/GHMC/2017, dated 18.12.2017, under Section 452 (2) of the Hyderabad Municipal Corporation Act, 1955 (for brevity, 'the Act'), is assailed.

The sum and substance of the case of the petitioner in W.P.No.25225 of 2018, as advocated by the learned counsel for

the petitioner in the said W.P.No.25225 of 2018, is that, though the petitioner submitted an elaborate explanation, dated 04.12.2017, without considering the same, the Deputy Commissioner issued the notice, under Section 452 (2) of the Act on 18.12.2017.

A perusal of the explanation, dated 04.12.2017, enclosed with W.P.No.25225 of 2018, in clear and vivid terms, discloses that the office of the Deputy Commissioner acknowledged the explanation on 04.12.2017, but in the impugned notice it is mentioned that the petitioner neither submitted an explanation nor complied with the notice. In the considered opinion of this Court the said action, on the part of the respondent authorities, is in violation of the principles of natural justice and the matter requires re-consideration by the respondent authorities.

In view of the above, W.P.No.25225 of 2018 is allowed, setting aside the impugned notice, bearing No.34/ACP-17/TPS/C17/GHMC/20-17, dated 18.12.2017, and the matter is remanded to the respondents for fresh consideration of the issue after taking into account the explanation, dated 04.12.2017, said to have been submitted by the petitioner, and pass appropriate orders. It is made clear that the petitioner in W.P.No.16253 of 2018 shall also be given notice of hearing and she is also entitled to file her objections/representation, if any,

before the respondents, within a period of four weeks from today. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Till the said exercise attains finality, *status quo*, as on today, with regard to the subject construction, shall be maintained.

Accordingly, W.P.No.16253 of 2018 is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions in these Writ Petitions, if any, shall stand closed.

23rd August, 2018
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A.V.SESHA SAI,J

