

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

W.P.No.25571 of 2018

ORDER:

Heard the learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Municipal Corporation.

2. Followed by a show-cause notice dated 11.07.2018 issued under Section 452 (1) & 461 (1) of HMC Act, 1955, the respondent Corporation passed the impugned order vide Order No.UC/106/D/TPS/C-2/EZ/GHMC/2018, dated 19.07.2018 under Section 452 (2) of the HMC Act 1955.

3. The grievance of the petitioner in the present writ petition is that the impugned action has been resorted to without considering the explanation dated 17.07.2018 submitted by the petitioner herein in the office of the third respondent herein.

4. A perusal of the explanation filed along with the writ petition as a material paper discloses that the office of the third respondent received the reply dated 17.07.2018 filed by the petitioner herein on 18.07.2018.

5. Since the impugned notice issued under Section 452(2) of the HMC Act, 1955 does not refer to the same, this Court deems it appropriate to allow the writ petition, by setting aside the impugned notice dated 19.07.2018 with a further direction to the respondent Corporation to consider explanation dated 17.07.2018 submitted by the petitioner to the third respondent and pass appropriate orders strictly in accordance with law.

6. Accordingly the writ petition is allowed. 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:23.07.2018
grk



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



W.P.No.25571 of 2018

Dated: 23.07.2018

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