

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

WRIT PETITION No.26253 of 2018

ORDER:

Heard Smt.S.Nanda, counsel for the petitioner, and Sri L.Venkateswara Rao, Standing Counsel for the respondent-Corporation.

2. According to the petitioner, he and his brother-Rashmin Kumar Masrani, are the joint owners of office space bearing No.201 in 1st floor admeasuring 4303 square feet together with undivided share in the land area to an extent of 120 square yards out of a total land area of 1214 square yards in premises bearing MCH No.3-2-850/201, situated at Kachiguda Station Road, Hyderabad, in the complex by name "Maruthi Jauarkars Towers", having purchased the same by way of registered sale deed, dated 24.07.2008, for a valid consideration of Rs.53,25,000/-. It is further pleaded that the petitioner and his brother are in continuous possession of the subject premises since 24.07.2008 till date. Earlier, the Greater Hyderabad Municipal Corporation, on the complaint said to have been made by one Smt.Hemalatha, owner of the G2 of the same complex, issued a notice bearing No. 441/VC/W.No.3/TPS/C-16/4/Hyd/2018, dated 10.07.2018, directing the petitioner herein to submit municipal sanction plan/permission for the stair case along with the ownership documents.

3. In response to the said notice, dated 10.07.2018, the petitioner herein submitted an explanation/representation requesting to grant 60 days time from 13.07.2018 for production

of documents. In the said representation, the petitioner herein stated that he and his brother are joint owners of the first floor of the premises and he is suffering from paralysis on face about 20 days above and he is now under medical treatment and he is advised bed rest by his physician and that his brother has to go to abroad for about 25 days and his travel schedule is already fixed and he will return to India on 13.08.2018.

4. Admittedly, there is no further action pursuant to the said notice and representation dated 13.07.2018. Now by way of the impugned notice under Section 452(1) and 461(1) of the Act, while pointing out certain unauthorised constructions stated to have been raised by the petitioner herein, the Municipal Corporation called upon the petitioner to submit explanation within seven days.

5. According to the learned counsel for the petitioner, the impugned action is highly illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India. It is further submitted by the learned counsel that in the representation, dated 13.07.2018, petitioner herein requested 60 days time and intentionally the Corporation authorities issued a notice under challenge, granting seven days time.

6. On the other hand, it is submitted by the learned standing counsel for the respondent-Corporation that the construction pointed out in the earlier notice, dated 10.07.2018, is entirely different from the constructions pointed out now in the impugned notice and the impugned notice is only the show cause notice asking the petitioner to offer explanation and without

submitting the explanation, the present writ petition is filed before this court and that it is open for the petitioner herein to furnish the entire information pertaining to the property and, if it is done so, the same will be verified and appropriate further action, in accordance with law, will be taken.

7. Having regard to the circumstances explained by the petitioner in the affidavit and the explanation, dated 13.07.2018, and taking into consideration of the submissions of the learned counsel for the petitioner herein, four weeks time is granted from today to submit explanation to the impugned notice, dated 20.07.2018 and, if any such explanation is submitted by the petitioner herein, within the time stipulated above, the same be considered and appropriate final orders be passed strictly in accordance with law. Till the said exercise is undertaken and completed, no coercive action pursuant to the impugned notice dated 20.07.2018 shall be taken.

With the above observations, the Writ Petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE A.V. SESA SAI

July 26, 2018

Note:- Furnish copy 27.07.2018
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Lmv