

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

WRIT PETITION No.27404 of 2018

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking a writ of mandamus, declaring the notice No.559/TPBO/C-30/SZ/GHMC/2018, dated 17.07.2018, issued by the fourth respondent herein, as illegal, unjust, unsustainable and contrary to the order, passed by this Court in W.P.No.19232 of 2017, dated 14.06.2017.

Earlier, petitioner herein approached this Court by way of filing W.P.No.19232 of 2017 when there was threat of demolition of the premises bearing No.7-1-599-410, situated at Station Road, Secunderabad and this Court disposed of the said Writ Petition, by way of an order, dated 14.06.2017. Operative portion of the said order reads as under:

“The petitioners state that a caution notice dated 31.05.2017 was pasted on the premises stating that the said premises where the petitioners are lessees are dangerous and in dilapidated condition. The petitioners submitted a representation by way of reply on 06.06.2017 and the same was received by the third respondent on the same date and in view of the stand taken by the petitioners that there is no danger to the structures as evidenced by the structural safety certificate issued by the competent engineers, the third respondent is directed to consider the said reply and pass appropriate orders in accordance with the provisions of the Greater Hyderabad Municipal

Corporation Act, 1955. Till such time, no action shall be taken for demolition of the building.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs”.

Now, by way of the impugned notice bearing No.559/TPBO/C-30/SZ/GHMC/2018, dated 17.07.2018, the Assistant City Planner, Circle No.30, Begumpet, GHMC, Hyderabad-fourth respondent directed the petitioner herein to vacate the subject premises. The grievance of the petitioner, in the present Writ Petition, is that this Court specifically directed the respondents herein to consider the representation/reply, dated 06.06.2017, but without considering the same, the impugned notice came to be issued by the respondent-GHMC.

A perusal of the impugned notice discloses, in clear and vivid terms, that the fourth respondent herein did not refer to the reply, dated 06.06.2017, as directed by this Court. On this ground alone, the Writ Petition is liable to be allowed and the matter requires re-consideration.

Accordingly, Writ Petition is allowed, setting aside the impugned notice, dated 17.07.2018, and the matter is remanded to the respondent-GHMC for fresh consideration, strictly in accordance with law, and for passing orders afresh by taking into account the contents of the reply, dated 06.06.2017,

submitted by the petitioner herein. Till then, *status quo*, with regard to the subject construction, shall be maintained. It is made clear that, if any unforeseen incident takes place in the mean time, petitioner herein shall be responsible for any civil and criminal consequences. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

03rd August, 2018
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A.V.SESHA SAI, J

