

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

WRIT PETITION No.27578 of 2018

ORDER:

A notice issued under Section 452 of the Hyderabad Municipal Corporation Act, 1955, issued by the Deputy Commissioner, Circle 21, GHMC, Hyderabad, vide proceedings No.09761/TPS/GHMC 21/2018, dated 05.07.2018, is under challenge in the present Writ Petition.

Earlier, the petitioners herein filed W.P.No.25121/2018 questioning a notice issued by the Municipal Corporation, Hyderabad, dated 05.07.2018, under the provisions of Section 452 of the Hyderabad Municipal Corporation Act, 1955. This Court disposed of the said Writ Petition by way of an Order, dated 19.07.2018. The operative portion of the said Order reads as under:-

“Having heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondent Municipal Corporation, this ct in the facts and circumstances of the case, deems it appropriate to dispose of the Writ Petition, keeping it open for the petitioner herein to submit explanation to the show-cause notice, dated 05.07.2018, issued by the third respondent under Section 452 of the GHMC Act, within a period of one week from today. If any explanation is submitted by the petitioner, the respondents to consider the same and take appropriate action, strictly in accordance with law. It is made clear that till the orders are passed, no coercive action

pursuant to the impugned notice shall be taken. It is also made clear that the petitioner herein shall not make any further constructions in the subject premises. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.”

According to the petitioners, as stated in the writ affidavit, copy of the said Order was furnished by the Registry to the petitioners on 27.07.2018 in the evening hours and immediately on 28.07.2018 the petitioners went to the Office of the 3rd respondent and submitted their explanation along with the Order copy and the Official respondent No.3 received the same but asked the petitioners to collect the acknowledgment later and in the meanwhile, the impugned notice under Section 636 of the H.M.C.Act, 1955, came to be issued on 28.07.2018.

During the course of arguments, it is brought to the notice of this Court by the learned Standing Counsel that on 03.08.2018, the petitioners herein submitted their explanation to the impugned notice.

Instead of going into the said factual controversy, in order to have a quietus for this litigation, this Court deems it appropriate to dispose of the Writ Petition, with a direction to the respondent-Corporation to pass appropriate Orders, afresh, after taking into account the explanation received in the Office of the Deputy Commissioner, on 03.08.2018, submitted by the petitioners herein. In view of the said

liberty given, the impugned Notice, dated 28.07.2018, stands set aside. It is also made clear that no further construction shall be undertaken by the petitioners herein. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed. No costs.

A.V.SESHA SAI,J

18th September, 2018
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