THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 4722 of 2013

ORDER:

This writ petition is filed to declare the notice dated 14.2.2013 issued in proceeding No.G1/0643/2013 under Sections 456 and 459 of Hyderabad Municipal Corporation Act, as illegal and arbitrary.

The case of the petitioner is that he is running a cinema talkies for the last 50 years and the construction of the said premises was made as per the sanctioned plan; the second respondent has been harassing the petitioner for the last several years by demanding the petitioner to allow himself and family members to watch the movies freely without obtaining tickets; when the petitioner has not allowed the same, the second respondent developed enmity against the petitioner and gave a complaint to the first respondent stating that southern wall of the petitioner is in a dangerous condition and likely to fall on the persons of the locality; on such complaint, the first respondent has issued a notice dated 14.2.2013 directing the petitioner to remove the wall, failing which, the wall will be removed by the department and the petitioner has assured that he will take necessary steps to repair the wall and in spite of the same, the first respondent issued notice dated 14.2.2013. Hence, the writ petition.

When the writ petition came up for admission on 18.2.2013

Learned counsel for the petitioner submits that due to personal enmity, the respondent No.2 gave a complaint to the respondent No.1 stating that subject wall is in dilapidated condition and that subsequent to the filing of the writ petition, the said wall has been repaired and necessary action has been taken to prevent the falling of the said wall.

In view of the categorical statement made by learned counsel for the petitioner that the subject wall has been repaired already, the petitioner is at liberty to file a detailed representation to the respondent No.1 mentioning what repairs he has made to the subject wall, within two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent No.1 is directed to cause inspection of the subject wall by sending an expert body and if the subject wall is in dilapidated condition, the respondent No.1 shall take necessary action, in accordance with the law.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

JUSTICE KONGARA VIJAYA LAKSHMI, J

Date: 10/12/2018
Slk

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WRIT PETITION No. 4722 of 2013

slk

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते