

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

W.P.No.28353 of 2018

ORDER:

Heard the learned counsel for the petitioner Smt.Y.Padmavathi, learned Government Pleader for Respondent No.1 and Sri Chatla Madhu, learned Standing Counsel for Respondent Corporation.

2. Notices dated 7.6.2018 and 15.6.2018 issued by the Respondent Corporation under the provisions of Sections 452(1) and 461(1) and 452(2) of Hyderabad Municipal Corporation Act, 1955 are under challenge in the present writ petition.

3. The sum and substance of the case of the petitioner as advocated by the learned counsel for the petitioner is that the petitioner herein did not receive any show cause notice dated 7.6.2018, as such, the petitioner herein had no opportunity to submit his explanation and the impugned action on the part of the Respondent authorities in issuing the notice under Section 452(2) of HMC Act without serving copy of the same to the petitioner is a patent violation of principles of natural justice.

4. On instructions, it is submitted by the learned Standing Counsel for Respondent Corporation that the petitioner may be permitted to file appropriate explanation to the impugned notices by directing the same to be treated as show cause notices and the explanation if any submitted by the petitioner will be considered and appropriate further action will be taken as per law.

5. The said statement is recorded, and the writ petition is disposed of, permitting the petitioner herein to submit explanation to the impugned notices 7.6.2018 and 15.6.2018 within a period of four weeks from the date

of receipt of this order and if any such explanation is filed, the same may be considered and appropriate final orders be passed strictly in accordance with law. Till then, Status quo with regard to subject construction shall be maintained. It is also made clear that no further construction shall be undertaken by the petitioner pending consideration of his explanation.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 9.8.2018

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