

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.28570 of 2018

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development, and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC.

The grievance of the petitioners, in the present Writ Petition, is that, without serving a show cause notice, as mandated under Section 452 (1) and 461 (1) of the Hyderabad Municipal Corporation Act, 1955 (for brevity, 'the Act'), the respondent authorities issued the impugned notice bearing No.UC/57/1/TPS/Cir.21/SLP/GHMC/2018, dated 03.08.2018, under Section 452 (2) of the Act.

In elaboration, it is submitted by the learned counsel for the petitioners that the said action, on the part of the respondent authorities, is not only in violation of the provisions of the Act but also violative of the principles of natural justice.

A perusal of the impugned order/notice, dated 03.08.2018, clearly discloses that the same does not refer to any notice under Sections 452 (1) and 461 (1) of the Act. On the said ground alone, the impugned notice, bearing No.UC/57/1/TPS/

Cir.21/SLP/GHMC/2018, dated 03.08.2018, is liable to be set aside.

Accordingly, Writ Petition is allowed, setting aside the impugned notice bearing No.UC/57/1/TPS/Cir.21/SLP/GHMC/2018, dated 03.08.2018, However, it is open for the respondent-GHMC to issue show cause notice and to proceed in accordance with law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A.V.SESHA SAI,J

28 August, 2018.
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