

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.30109 of 2018

ORDER:-

Heard learned Counsel appearing for the petitioner and Sri A.Panduranga Rao, learned Standing Counsel for the respondent-Municipal Corporation.

A notice bearing U.C.No.2/2018-TPS, dated 01.08.2018, issued by the first respondent-Municipal Corporation under the provisions of Section 452 of the Hyderabad Municipal Corporation Act, 1955, is under challenge in the present Writ Petition. Alleging that the petitioner herein made unauthorized construction over and above the sanctioned constructions i.e., Stilt + G + 2 and asking the petitioner to show cause as to why the same should not be removed, the impugned notice came to be issued under Section 452 of the Hyderabad Municipal Corporation Act, 1955. According to the petitioner, in response to the said show cause notice, she submitted an explanation.

According to the learned Counsel for the petitioner, the complaint said to have been made by the 2nd respondent herein is a motivated and *mala fide* one and that the 2nd respondent is not a resident of any one of the neighbouring buildings of the subject constructions and the 2nd respondent residence is situated far away from the street where the petitioner's building is situated. It is further submitted by the learned Counsel for the petitioner that the petitioner herein completed the construction long back and the property has been assessed to the property tax by the 1st respondent.

At the hearing, it is submitted by the learned Standing Counsel for the 1st respondent-Municipal Corporation that the Corporation has not received any explanation, said to have been submitted by the petitioner herein, and if any explanation is submitted to the impugned show cause notice, the same will be verified and considered and appropriate action will be taken by the respondent-Municipal Corporation.

Recording the above submissions, the Writ Petition is disposed of, keeping it open for the petitioner herein to submit an explanation to the impugned show cause notice, dated 01.08.2018, within a period of one week from the date of receipt of a copy of this order and if any such explanation is filed by the petitioner, within the stipulated time, the same be considered and appropriate further action be taken/further orders be passed, strictly in accordance with law, after notice to all the stakeholders. Till the said exercise attains finality, no coercive action with regard to the subject constructions shall be taken by the respondent-Municipal Corporation.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date: 24.08.2018
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