

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

W.P.No.36750 of 2018

ORDER:

Heard the learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the respondent Municipal Corporation.

2. A notice bearing No.258/TPS/C21/GHMC/2018, dated 04.10.2018, issued under Section 636 of the Hyderabad Municipal Corporation Act, 1955 is under challenge in the present writ petition.

3. The respondent Municipal Corporation granted building permission in favour of the petitioner herein vide Permit No.3/C12/01525/2018, dated 27.01.2018. Thereafter, a notice under Section 452 (2) of the Act was issued vide proceedings No.258/TPS/GHMC/C-21/2018, dated 10.08.2018, calling upon the petitioner herein to show-cause. In response to the same, on 27.08.2018, petitioner herein submitted his explanation. Now, by way of impugned notice dated 04.10.2018 issued under Section 636 of the Act, the Deputy Commissioner, Circle No.21, GHMC, directed the petitioner herein to remove the alleged unauthorised constructions. According to the learned counsel for the petitioner, the said action on the part of the respondent authorities is highly illegal and arbitrary and violative of the principles of natural justice.

4. A perusal of the material available before this Court manifestly discloses that in response to the notice issued under Section 452 (2) of the Act, the petitioner herein submitted an explanation dated 27.07.2018 and the said explanation was received and acknowledged by the office of the Corporation. Therefore, having called for the explanation and having

acknowledged the same, it is incumbent on the part of the respondent Corporation to consider the contents of the same. In the instant case, the Commissioner states that no such explanation was received. On this ground alone, the impugned order is liable to be set aside.

5. Accordingly, the writ petition is allowed, setting aside the impugned notice bearing No.258/TPS/C21/GHMC/2018, dated 04.10.2018 and it is open for the respondent Municipal Corporation to pass an order afresh after considering the explanation dated 27.08.2018 submitted by the petitioner herein, strictly in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date:08.10.2018
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A.V.SESHA SAI, J

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



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Dated 08.10.2018

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