

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39705 of 2018

ORDER:

1) The present writ petition came to be filed seeking the following relief:

“issuance of writ of mandamus declaring the action of the respondents in trying to demolish the Flat No.S-1 in Sai Residency constructed in plot Nos.165 to 168 situated at Bhagyanagar Colony, Kukatpally, Hyderabad and declare the notice No.07/ TPS/ C24/ KZ/ GHMC/ 2018, dated 30.10.2018 served on 01.11.2018, as illegal, arbitrary and violative of principles of natural justice.”

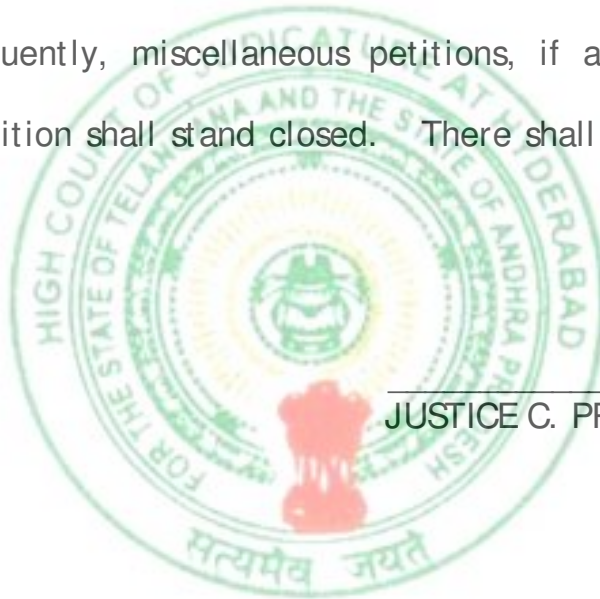
2) Learned counsel for the petitioner would submit that the impugned notice dated 30.10.2018 came to be issued directing the petitioner to remove the un-authorised constructions within three days, without issuing any notice under Section 452 (1) of Greater Hyderabad Municipal Corporation Act, is illegal, arbitrary and incorrect.

3) Sri Sampath Prabhakar Reddy, learned Standing Counsel for the second respondent would submit that in order to avoid further delay, this notice may be treated as show-cause notice, to which the petitioner shall submit explanation, thereafter the authorities shall pass orders. The same is not seriously disputed by the learned counsel for the petitioner.

4) Having regard to the above, the writ petition is disposed of directing the petitioner to treat the notice dated 30.10.2018, issued by the second respondent, as show-cause notice, to which the petitioner shall submit his explanation within ten days, thereafter the authorities concerned shall pass orders in accordance with law. Till such time *status quo* as on today shall be maintained. If no explanation is given within the time stipulated, the authorities are at liberty to proceed with the notice dated 30.10.2018.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

02.11.2018
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JUSTICE C. PRAVEEN KUMAR