

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39933 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in threatening to demolish the petitioner's building, i.e., H.No. 8-3-231/ 288/ B/ 1, situated at Krishna Nagar, Yousufguda, Hyderabad, under the guise of impugned notice bearing No. 288/ TPS/ Gr19/ WZ/ GHMC/ 2018/ 26, dated 31.10.2018, under Section 636 of the Greater Hyderabad Municipal Corporation Act, 1955 (hereinafter mentioned as the 'Act'), in respect of H.No. 8-3-231/ 288/ A, as illegal, improper and incorrect.

2. Though various grounds are pleaded, the only ground urged by the learned counsel for the petitioner is that no notice under Section 452(1) or 452(2) came to be served on the petitioner, and without service of notice under the said provisions, the impugned notice dated 31.10.2018 came to be issued under Section 636 of the Greater Hyderabad Municipal Corporation Act, directing the petitioner to remove the constructions made in H.No. 8-3-231/ 288/ A, situated in Krishna Nagar, Yousufguda within (24) hours.

3. The learned Standing Counsel for Greater Hyderabad Municipal Corporation, on verification of the records, states that there is no house bearing No. 8-3-231/ 288/ A, and that the house which is in occupation of the petitioner is H.No. 8-3-231/ 288/ B/ 1.

According to him, a notice under Section 452(1) of the Act was served on the watchman of the petitioner, and since no reply was submitted to the said notice, the impugned order has been issued by the authorities.

4. Having regard to the fact that there is some discrepancy with regard to the house numbers and the persons to whom the notices were sent, with the consent of the counsel for the petitioner, treating the notice dated 31.10.2018 filed along with the writ petition be treated as a notice under Section 451 of the Act, the present writ petition is disposed of, directing the petitioner to submit his explanation to the 2nd respondent with regard to the constructions made by him in H.No. 8-3-231/288/B/1 within a period of one week from today, in which event, the authority concerned shall pass appropriate orders in accordance with law. Till such orders are passed, status quo as on today to be maintained. It is needless to mention that the petitioner herein shall not proceed with the construction in the subject premises till orders are passed by the concerned authority. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

13.11.2018
DMG