

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39916 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus questioning the action of the second respondent in issuing impugned show-cause notice No. 322/ TPS/ C29/ GHMS/ 2018, dated 02.11.2018 issued under Section 452 (2) of H.M.C.Act, 1955 by demolition the house constructed by the petitioner after obtaining the permission from the first respondent and without issuing notice under Section 452 (1) and 461 (1) of G.H.M.C.Act, is illegal, arbitrary and against the principles of natural justice.

2) The main ground urged by the learned counsel for the petitioner is that without serving any notice under section 455(1) of G.H.M.C.Act, the impugned order came to be passed.

3) The learned standing counsel would submit that instead of keeping the matter pending, impugned show-cause notice which is issued on 02.11.2018 may be treated as show cause and petitioner shall submit his explanation at the earliest and thereafter liberty may be given to the authorities to pass appropriate orders.

4) Having regard to the above, the writ petition is disposed of holding that the show cause notice, dated 02.11.2018, which is filed along with the Writ Petition be treated as a show cause notice and submit his explanation by 13.11.2018 and thereafter the authorities shall pass orders in accordance with law. Till such time the authorities shall not take any coercive steps.

5) Consequently, miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

05.11.2018
GM

