

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 40114 of 2018

ORDER:

1) Heard learned counsel for the petitioner and Sri Chatla Madhu, learned Standing Counsel for the Corporation. With the consent of both the parties, the writ petition is disposed of at the admission stage.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring Notice No.07251/ TPS/ C.27/ GHMC/ 2018, dated 02.11.2018 issued by the third respondent as illegal, unjust, un-sustainable and violative of principles of natural justice.

3) A perusal of the impugned notice dated 02.11.2018 issued under Section 636 of Hyderabad Municipality Act, 1955, would show that column No.2 of reference indicating the show-cause notice number and the date is blank. Hence, *prima facie* it appears that without issuing any notice under Section 452 (1) of Greater Hyderabad Municipal Corporation Act, final order came to be passed.

4) Learned Standing Counsel for Corporation, would submit that the impugned show-cause notice which is issued on 02.11.2018 may be treated as show cause notice under Section 452 (1) of G.H.M.C.Act and the petitioner may be

directed to submit his explanation, in which event the authorities shall take steps in accordance with law. The same is not seriously disputed by the learned counsel for the petitioner.

5) 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 within ten days from today, in which event, the authorities shall follow the procedure established under law for taking appropriate action. Till such time *status quo* as on today shall be maintained with regard to property in dispute. If the explanation is not submitted within a period of one week, the authority concerned shall proceed in accordance with law.

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

JUSTICE C. PRAVEEN KUMAR

06.11.2018
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