

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.40356 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the highhanded action of the respondents in issuing the final notice dated 22.10.2018, without considering the explanation submitted by the petitioner, as illegal and arbitrary.

Though various grounds are raised, the learned counsel for the petitioner submits that no permission is required for construction of a house, if the extent of land is 100 sq. yards or less in view of the G.O.Ms.No.428 MA dated 31.7.1998. But, the learned Standing Counsel for the Corporation, would submit that the said G.O is not in force. According to him, as per G.O.Ms.No.168 MA dated 7.4.2012 and amended G.O.Ms.No.7 MA dated 5.1.2016, one has to obtain permission irrespective of the extent of land, where the constructions are made.

Since the earlier explanation given by the petitioner to the notice issued by the Corporation under Section 451 of the Act, was not considered, the authorities issued a fresh order on 8.11.2018 under Section 452 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, "the Act"), by considering the explanation submitted by the petitioner on 15.10.2018. But it appears that the said proceedings came to be issued to circumvent the order if any to be passed by the Court. Since the plea of the petitioner in the present writ petition being that his explanation was not considered, the impugned notice issued by the respondent-Corporation under Section 636 of the Act, is liable to be set aside.

Having regard to the above, the writ petition is disposed of by setting aside the final notice dated 22.10.2018 issued by the

respondents and consequently the petitioner herein is directed to submit a fresh explanation to the notice dated 8.11.2018, issued under Section 451 of the Act and thereafter, the authorities shall pass appropriate orders, in accordance with law. It is needless to mention that the petitioner shall submit fresh explanation to the notice dated 8.11.2018, treating it as a notice under Section 452 of the Act, within a period of one weeks from today. Till such time, Status Quo existing as on today, shall be maintained. No order as to costs.

Miscellaneous Petitions pending consideration, if any, in this Writ Petition shall stand closed.

C. PRAVEEN KUMAR,J

Date:09.11.2018.
Gk



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