

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 42518 of 2018

ORDER:

- 1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the Notice No. 19/ DIR/ EV & DM/ T-5/ 5/ GHMC/ 2018, dated 12.11.2018 issued by the third respondent as illegal and arbitrary.
- 2) The averments in the affidavit filed in support of the writ petition would show that plot bearing No.32-A situated in M.L.A.Colony, Banjara Hills, was purchased by the parents of the petitioner and the petitioner and his parents were in peaceful possession and enjoyment of the same since 1998. While things stood thus, the petitioner received a notice dated 25.10.2018 under Section 635 of the Hyderabad Municipal Corporation Act from the third respondent, requesting him to submit the sanctioned plan and its proceedings, registered documents of property, link documents and the layout plan within three days. Even before the petitioner could submit the documents, a second notice dated 12.11.2018 came to be served on the petitioner under the provisions of Sections 452 (1) and 461 (1) of the Greater Hyderabad Municipal Corporation Act. The petitioner submitted his explanation on 19.11.2018, but without

considering the same, the authorities are threatening the petitioner to demolish his house. Hence, the writ petition.

3) Though various grounds are raised, the grievance of the petitioner appears to be that without giving an opportunity to explain, the authorities are contemplating to remove the entire structure, which has been constructed after obtaining permission from the authorities concerned.

4) Learned Standing Counsel appearing for the respondent-Corporation would submit that only a show-cause notice has been issued to the petitioner to explain as to whether he has constructed excess built up area by encroaching on to the government land. According to him, if the explanation given by the petitioner enclosing the documents is satisfactory, no action would be initiated against him.

5) Having regard to the above, the writ petition is disposed of, directing the petitioner to submit his explanation to the notice dated 12.11.2018, within one week from today enclosing all the documents, in which event, the authorities shall deal with the same in accordance with law at the earliest. Till appropriate orders are passed by the authorities, no coercive steps shall be taken by the respondent-authorities. It is needless to mention that if the explanation

is not submitted within time stipulated above, 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

23.11.2018
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