

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 42810 of 2018

ORDER:

- 1) The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent Nos.2 and 3 in issuing the notice No.01/TP/CIR No.XII/WNo.32/Dilptd Blds/GWMC/2018, dated 20.11.2018, under Section 456 of Hyderabad Municipal Corporation Act, 1955 (for short, the Act), as illegal, arbitrary and contrary to Law
- 2) Though various grounds are raised, the grievance of the petitioner appears to be that without giving any notice as required under Section 459 of the Act, the impugned order came to be passed.
- 3) Smt.Pingali Lakshmi, learned Standing Counsel, appearing for respondent No.2, would submit that since the building is in a dilapidated condition and as there is every likelihood of threat to the lives of the students as the school is being run in the said premises, the impugned proceedings came to be issued. She further submits that the impugned proceedings dated 20.11.2018, which came to be issued to the petitioner directing her to vacate and remove the dilapidated house may be treated as notice under Section 459 of the Act and thereafter, the authorities may be directed to take steps in accordance with law.

4) Having regard to the above, the petitioner is directed to consider the impugned order dated 20.11.2018, passed under Section 456 of the Act, as a show cause notice under Section 459 of the Act and submit her explanation, within a period of three days from today, in which event, the authorities shall proceed further, in accordance with law. If no explanation is submitted within the period referred to above, the authorities are at liberty to take steps basing on the impugned order, as per law. In the meanwhile, if any damage is caused to the school building, to the children or to the neighbouring buildings/persons, the management of the school would be held responsible.

5) With the above direction, the Writ Petition is disposed of.

6) There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt:03.12.2018

vhb