

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 43083 of 2018

ORDER:

1) The present writ petition came to be filed seeking the following relief:

“issuance of writ of mandamus declaring the Notice No.UC/ 934/ TYPBO/ EWARD:37/ Circle:13/ GWMC/ 2018, dated 26.11.2018, whereby proposing to take action as per Section 461 (4)/ 461-A/ 636 of Greater Hyderabad Municipal Corporation Act, 1955 for demolition of compound wall on the southern side of the plot with a length of 25 feet, height four feet forming part of plot No.31 (part) covered by Sy.Nos. 494, 507 and 508 situated near REC Petrol Pump, Waddepally, Hanamkonda, Warangal Urban District, as illegal, arbitrary and contrary to the provisions of Greater Hyderabad Municipal Corporation Act, 1955.”

2) The only ground urged by the learned counsel for the petitioner is that the explanation submitted by the petitioner was not considered by the authority. In his explanation he admits that he has constructed compound wall to protect his land from animals and land grabbers. But the impugned order passed by the authorities would show that while referring to the contents of explanation rejected the same. No reasons have been given for rejection of the same.

3) At this stage, the learned Standing Counsel for the Corporation submits that the oral instructions received by her show that even earlier the petitioner has constructed a compound wall without any permission and the same was removed.

4) Be that as it may, having regard to the facts and circumstances of the case, the matter is remanded back to the second respondent to pass appropriate orders in accordance with law by taking into consideration the explanation submitted by the petitioner and giving reasons for not accepting the explanation. It is needless to mention that the petitioner shall not proceed with any constructions in the said site till orders are passed thereon.

5) With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

27.11.2018

Note: Issue C.C. tomorrow.

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