

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.43852 of 2018

ORDER:

- 1) Heard learned counsel for the petitioner and learned Standing Counsel appearing for respondent Nos.2 and 3.
- 2) The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.2 in issuing the notice bearing No.1086/3101/B/22/SON/2017, dated 05.11.2018, as illegal and arbitrary.
- 3) The grievance of the petitioner appears to be that before passing the impugned orders under Section 452(2) of the Act, the authorities ought to have issued a show cause notice under Section 452(1) (a) of the Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), calling for an explanation and then proceed under Section 452 (1)(b) and thereafter under Section 452(2) of the Act.
- 4) Learned Standing Counsel would submit that the petitioner has submitted his explanation to the said notice and as such the said impugned order may be treated as a notice under Section 452(1)(a) and that suitable steps shall be taken further, as per the procedure contemplated under law.

5) Having regard to the fact that the petitioner herein has already submitted his explanation on 20.11.2018, notice under Section 452(2) shall be treated as notice under Section 452(1)(a) and the authorities shall consider the explanation dated 20.11.2018 and take further steps as per the procedure contemplated under law. Till such time, the authorities shall not interfere with the property in dispute.

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

7) 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:04.12.2018
vhh

