

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.246 of 2019

ORDER:

The notice dated 10.12.2018 purported to have been issued under Section 452(2) of the Greater Hyderabad Municipal Corporation Act, 1955, is challenged before this Court.

Briefly stated, it is the case of the petitioners that they had acquired the subject property through their mother and, after making partial constructions, leased out the same to a dealer of used cars. It is their assertion that they have not made any constructions beyond what has been sanctioned in 2016, and with respect to the impugned notice dated 10.12.2018, they submitted a detailed explanation on 17.12.2018, however, without reference to the said explanation, the respondent authorities are threatening to demolish the constructions made.

Learned counsel for the petitioners reiterated the contentions as stated in the writ affidavit.

On the other hand, Sri P. Sampath Prabhakar, learned Standing Counsel for 3rd respondent Corporation, submits that no action has been taken as on date, however, the explanation submitted by the petitioners on 17.12.2018 is after issuing the impugned notice. However, as the impugned notice 10.12.2018 asserts that construction made by the petitioners is without obtaining prior permission, and as it is pointed out now in the writ affidavit that permissions were granted to the petitioners, the learned Standing Counsel on instructions, submits that the issue would be re-examined taking into consideration the explanation submitted by the petitioners on 17.12.2018.

Having regard to the respective submissions, and considering the submission made on behalf of the 3rd respondent Corporation that the issue

would be re-examined taking into consideration the explanation submitted by the petitioners on 17.12.2018, the impugned notice dated 10.12.2018 is set aside directing the respondents to consider the explanation dated 17.12.2018 along with the objections raised therein, and pass appropriate orders in accordance with law.

In the event the petitioners seek an opportunity of hearing, the same shall be afforded to them or their representatives.

With the above direction, the writ petition is disposed of. No costs. Pending miscellaneous petitions shall stand closed.

JUSTICE CHALLA KODANDA RAM

04th January, 2019

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