

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 847 of 2019

ORDER :

The petitioner challenges the notice dated 11.01.2019 purported to have been issued under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 and the consequential demolition proceedings proposed to be taken up by the Corporation.

Learned counsel for the petitioner submits that his client was not issued any notice and on the other hand, his lessor was also protected by the order of this Court in Writ Petition No. 6368 of 2017 filed by Pallavi Enclave Owners' Association. He further submits that the petitioner is only a lessee and that he had not made any constructions and the very sale deed itself discloses that the property is in a fenced premises with two rooms, existing since 2006. At any rate, the learned counsel for the petitioner submits that the impugned order is liable to be set aside as the petitioner was not issued the notice, however, as an abundant caution, he has submitted the explanation, specifically setting out these facts, anticipating demolition of the premises.

On the other hand, learned Standing Counsel for the Corporation Sri Sampath Prabhakar Reddy asserts that the notice came to be issued to the occupier, as required under law, but however, since the petitioner asserts that he was not issued the notice and that he has already submitted the explanation, no coercive steps would be taken against him without following due process. On being queried that the notice was issued to Sri Ugendhar Goud, where as the petitioner is Sri Soma Upender

Goud, S/o Late Sri Soma Narayan Goud, learned Standing Counsel submits that he would advise the respective authorities to withdraw the impugned notice on Sri Ugendhar Goud, issue fresh notice to the occupier, whoever it may be, and take action in accordance with law.

Having regard to the respective submissions, it is to be noted that undisputedly, the petitioner before this Court is one Sri Soma Upender Goud, whereas the notice under Sections 461(1), 452(1) and 441 of the Act, dated 10.12.2017 discloses that it was issued to one Sri Yogender Goud, Premises /Plot No. 25, Survey No. 8(P), Pallavi Society, Guttala Begumpet, Hyderabad, likewise, the notice dated 11.01.2019 was issued under Sections 452(1) and 461(1) of the Act, in the name of Sri Ugendhar Goud, C/o Plot No. 251, Pallavi Enclave. *Ex facie*, the impugned notice discloses that it was issued to Sri Ugendhar Goud, but not to the petitioner, who is, admittedly, in possession of the said property. In those circumstances, the notice being defective, the same is set aside giving liberty to the respective authorities to take action in accordance with law. Consequent thereof, needless to say, no demolition shall be undertaken. The learned Standing Counsel undertakes to inform this order to the authorities concerned.

The Writ Petition is accordingly, allowed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand closed.

CHALLA KODANDA RAM, J

21st January 2018

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