

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1725 of 2019

ORDER:

The petitioner-M/s Marpu Builders Private Limited, represented by its Director, filed this writ petition questioning the notice dated 24.01.2019. In the notice it was mentioned that the noticee shall appear before the Deputy Commissioner on 21.01.2019 at 3:00 PM.

Learned Senior Counsel appearing for the petitioner points out that the notice is defective and, at any rate, as 21.01.2019 has already passed, there is no way the petitioner can appear, and further asserted that the petitioner is the owner of the premises whereas the noticee is the Doctor having a clinic in the premises owned by the petitioner.

Learned Standing Counsel submits that the date 21.01.2019 mentioned in the impugned notice dated 24.01.2019 is only a typographical error and the same ought to have been 31.01.2019 and not 21.01.2019, as seven days from 24.01.2019 would come to 31.01.2019.

Having regard to the facts of the case, one cannot find fault with the petitioner's taking advantage of the conspicuous, albeit typographical, error made by the respondent authorities as the signatory to the notice ought to have verified what he is signing before signing it.

Having regard to the submissions made, particularly, the notice having been issued under Greater Hyderabad Municipal Corporation Act, 1955, the petitioner shall treat this as a notice, and offer his explanation to the 3rd respondent-Deputy Commissioner, Greater Hyderabad Municipal Corporation, within ten days from today, which shall be considered by the respondent

authorities before taking any steps against the petitioner on the alleged constructions made by the petitioner.

Accordingly, the writ petition is closed. No costs. Miscellaneous petitions, if any pending, shall also stand closed.

JUSTICE CHALLA KODANDA RAM

30th January, 2019

KSM

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