

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2400 OF 2019

ORDER:

The present Writ Petition is filed seeking issuance of mandamus, declaring the action of the third respondent in threatening to demolish the shed constructed in plot situated in Survey No.445, situated at Attapur village, Rajendranagar Municipal Circle, R.R.District, without passing any orders on the explanation dated 24.01.2019, submitted to the notice dated 22.01.2019, bearing No.G-445/UC/ACP11/CRZ/GHMC/2019, as illegal and arbitrary.

2. The petitioner is in occupation of a shed which is constructed in an open plot in Survey No.445, Attapur, Rajendranagar and the said plot has been regularized under the Land Regularization Scheme on 19.11.2017 in terms of G.O.No.151, dated 02.11.2015. While so, the respondents had issued a notice under Sections 452(1) read with Section 461(1) of the Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') on 22.01.2019, for which the explanation was submitted on 24.01.2019. The petitioner asserts that without passing final orders, respondents are proposing to demolish the shed which was constructed long back. In those circumstances, the present Writ Petition is filed.

3. Heard learned counsel for the petitioner and the learned Standing Counsel appearing for respondent Nos.2 and 3.

4. Having regard to the facts of the case, where as on today, only notice has been issued to the petitioner, for which an explanation was submitted on 24.01.2019 without passing final orders, respondents are required to pass final orders after considering the explanation alleged to have been submitted on 24.01.2019.

5. In the interest of justice, the Writ Petition is disposed of with a direction to the third respondent to pass appropriate orders after considering the explanation submitted on 24.01.2019 and take necessary steps to enforce the Municipal laws. Till final orders are passed, no coercive steps shall be taken. No order as to costs.

6. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

07.02.2019
Vhb

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Dated : 07.02.2019

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