

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.4327 of 2019

ORDER

This writ petition is filed challenging the notice dated 22.02.2019 issued by the 2nd respondent under Section 452(2) of Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), alleging that the petitioner has unauthorizedly laid the slab of first and second floor above existing ground floor and further proceeding with finishing work at beside plot No.172, situated at Gayathri Nagar, Saheb Nagar Kalan, B.N.Reddy, Hyderabad.

2. The case of the petitioner is that his vendor had obtained permission on 06.10.2016 for construction of ground + 1st floor and thereafter, the same was modified on 20.03.2018 permitting him to construct stilt + 2 floors. In response to the notice dated 04.02.2019 issued under Section 452(1) of the Act, the petitioner had submitted explanation on 13.02.2019. However, without considering the same, the final notice was issued on 22.02.2019.

3. Learned Standing Counsel Sri Sampath Prabhakar Reddy, on instructions, would submit that the writ petition may be allowed as there is a defect in the procedure followed by the respondents, with liberty to the respondents to take action in accordance with law if any deviation found in the construction of the petitioner.

4. Having regard to the respective submissions, the Writ Petition is allowed setting aside the notice dated 22.02.2019 issued by the 2nd respondent. However, the respondents are at liberty to take action in accordance with law if any deviation made by the petitioner. No order as to costs.

5. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

5th March, 2019

Note:
Issue CC in two days
(Bo)
sj

