

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT APPEAL NO.293 OF 2019

Dated: 03.04.2019

Between:

Sri Vijay Sarda.

...APPELLANT

And

1. Rahim Bin Hussain and five others.

...RESPONDENTS

Counsel for the Appellant:

Mr. Vedula Venkata Ramana,
Senior Counsel

Counsel for the Respondents:

Mr. M. Karuna Sagar
Mr. N. Ashok Kumar
GP for Municipal Administration
Urban Development

The Court made the following:

THE HONOURABLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT APPEAL NO.293 OF 2019

JUDGMENT: {Per the Hon'ble Sri Justice Raghvendra Singh Chauhan}

Sri Vijay Sarda, the appellant-respondent No.6, has challenged the legality of the order dated 06.03.2019 passed by the learned Single Judge in I.A.No.1 of 2019 in W.P.No.4345 of 2019 whereby the learned Single Judge has directed the respondent No.2 to 5, the Greater Hyderabad Municipal Corporation and the officers thereof, to ensure that "steps are taken against the unauthorized constructions made by the appellant, the respondent No.6, as per the notice dated 12.09.2018 issued by the respondent No.5, the Assistant City Planner".

Mr. Vedula Venkata Ramana, the learned Senior Counsel appearing on behalf of the appellant, the respondent No.6, submits that in the guise of taking steps under Sections 452(1) and 461(1) of the GHMC Act, 1955 ("the Act" for brevity), there is a grave possibility that the respondent Nos.2 to 5 may demolish the alleged illegal constructions raised by the appellant, without giving him an opportunity of hearing. Therefore, the learned Senior Counsel claims that the appellant is aggrieved by the directions issued by the learned Single Judge. Thus, the said order deserves to be set aside by this Court.

Heard Mr. Vedula Venkata Ramana, the learned Senior Counsel appearing for the appellant, the respondent No.6.

The anxiety expressed by the appellant is highly misplaced. For, the notice dated 12.09.2018 is a preliminary notice issued under the Act. Even the Act ensures a right to the appellant, the

respondent No.6, to place his side of the story before the competent authority. Despite the fact that the notice was issued to the appellant on 12.09.2018, according to the learned Senior Counsel, no reply has been submitted before the competent authority. Therefore, even if the directions issued by the learned Single Judge were to be followed by the respondent Nos.2 to 5, they are required to give an opportunity of hearing to the appellant, the respondent No.6. Thus, the appellant would have ample opportunities to place his side of the story before the respondent Nos.2 to 5. The appellant shall reply to the notice dated 12.08.2018 within fifteen days from today. Hence, the anxiety expressed by the learned Senior Counsel for the appellant is untenable.

Moreover, the directions issued by the learned Single Judge are absolutely innocuous for the simple reason that any action taken by the respondent Nos.2 to 5 would have to be, perforce, in accordance with law. Therefore, the direction issued by the learned Single Judge does not adversely affect in the interest of the appellant.

For the reasons stated above, this Court does not find any merit in the present appeal; it is, hereby, disposed of.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, J)

(T.AMARNATH GOUD, J)

3rd April 2019

NOTE: Issue CC today
B/O
RRB