

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.8934 of 2019

ORDER

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for the 1st respondent and Ms. M. Bhagya Sri, learned Standing Counsel for the 2nd respondent.

2. The case of the petitioner is that he is the absolute owner and possessor of the land admeasuring 1210 sq. yards in Sy.No.42/D with H.No.6-2-52, situated at Godavarikhani, Ramagundam, and that as the said plot of land was vacant, he had constructed a swimming pool. While so, the notices appears to have been issued by the 2nd respondent on 28.02.2019, 16.03.2019 and 08.04.2019 under Sections 452(1), 452(2) and 636 of the Greater Hyderabad Municipal Corporation Act (for short 'the Act') respectively, proposing to demolish the swimming pool, were not served upon the petitioner as they were sent to a wrong address. The further case of the petitioner is that on 18.04.2019, the officials of the 2nd respondent came to his premises and proposed to demolish the swimming pool, and on verification of the alleged notices, he found that they were addressed to the unrelated person with different house number, where swimming pool is not located. Hence, he filed the present writ petition challenging the impugned notices.

3. Learned Counsel for the petitioner has pointed out that in the impugned notices, the address was shown as Sri K. Sathish,

s/o.Sriramulu, H.No.6-1-83/10/5/E/1, Prashanth Nagar, Godavarikhani, whereas the petitioner is a resident of H.No.19-1-112/3/1, Markandeya Colony, Godavarikhani, Peddapally, Karimnagar District, and further, the swimming pool is situated in Sy.No.42/D with H.No.6-2-52, Power House Colony, Godavarikhani, Ramagundam, and therefore, without service of notice on the petitioner, the proposed action of demolition is illegal and arbitrary.

4. Learned Standing Counsel for the 2nd respondent, on instructions, would submit that the petitioner has not obtained any permission for construction of swimming pool and its operation and that as one of the agents of the petitioner has received notice, non-service of notice as contended by the petitioner is not tenable. She further submits that the proposed action is in accordance with law, which does not call for any interference by this Court.

5. Having regard to the respective submissions and perusal of the material on record, it is to be noted that the impugned notices were not addressed either to the petitioner's residence or to the premises where swimming pool was constructed. However, in order to avoid controversy and in view of the fact that the petitioner, as of now, is in possession of the notices under Sections 452(2) and 636 of the Act issued by the 2nd respondent, it would be appropriate to direct the petitioner to submit his explanation to the said notices, within 10 days from the date of receipt of a copy of this order, and on filing such explanation, the 2nd respondent shall consider and pass

appropriate orders in accordance with law, after affording opportunity of hearing to the petitioner by fixing the date and time, and communicate the same to his correct address either through special messenger or through registered post with acknowledgment due. Till such time, no coercive action shall be taken by the respondents against the swimming pool of the petitioner.

6. With the above direction, the Writ Petition is disposed of. No order as to costs.

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

25th April, 2019

sj

CHALLA KODANDA RAM, J

