

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRI T PETITION No.9578 of 2019

ORDER:

The petitioners challenge the Show Cause notice dated 20.04.2019 issued by the 3rd respondent under Section 452(2) of the GHMC Act, 1955. By the impugned notice, the petitioners were directed to show cause as to why action should not be initiated against them for converting the usage of the premises from residential to non-residential purpose.

Heard Sri D. Jagan Mohan Reddy, learned counsel for the petitioners; and Sri Sampath Prabhakar Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC).

It is the case of the petitioners that permission was accorded for construction of Gym and a Professional office in the ground floor in their premises situated in Survey Nos.79, 80, 81 and 82 (part) at Doyens Colony, Serilingampally Village and Mandal, Ranga Reddy and they made construction as per sanctioned plan, and Occupancy Certificate was also issued in their favour. They assert that the notice under Section 452(1) of the GHMC Act was issued in the name of petitioners' vendor and it is only when the notice under Section 452(2) was issued, the petitioners had come to know about the impugned notice and they submitted their explanation on 26.04.2019, however, as they did not have the benefit of notice issued under Section 452(1), they could not submit detailed explanation but submitted an *ad hoc* reply on 26.04.2019. As no notice was issued to the petitioners, the petitioners may be given an opportunity to submit a detailed explanation with a direction to the respondent authorities to consider the same.

Learned Standing Counsel Sri Sampath Prabhakar Reddy, having gone through the papers and admittedly as initially the notice under Section 452(1) was issued to the vendor of the petitioners, in all fairness, submits that the

present notice issued under Section 452(2) may be treated as notice under Section 452(1) and the petitioners may be permitted to submit detailed explanation which shall be considered by the respondent authorities in accordance with law.

As it is the assertion of the petitioners that they purchased the property in the year 2016 through a registered Sale Deed No.2020/2016 dated 03.03.2016, the respondents ought to have issued notice to the petitioners as they are in occupation of the premises in question. However, considering that the petitioners now have the impugned notice dated 20.04.2019 issued under Section 452(2), though it has been addressed to the vendor of the petitioners by name A. Vijay Krishna, the writ petition can be disposed of by affording an opportunity to the petitioners to submit detailed explanation, which would satisfy the requirement of principles of natural justice.

Accordingly, the writ petition is disposed of by granting two weeks' time from today to the petitioners to submit detailed explanation; and the respondents shall consider the explanation and pass necessary orders in accordance with law. Till such time final orders are passed, no coercive steps shall be taken against the petitioners' property. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHALLA KODANDA RAM

30th April, 2019

KSM

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