

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.10189 OF 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondent No.4 in issuing the impugned notice, dated 03.05.2019, as illegal and arbitrary and consequently, to direct the respondents not to demolish the house/shed bearing No.2-4-694/4 situated at Samathapuri Colony, New Nagole, Uppal Mandal, Ranga Reddy District, belonging to the petitioner.

2. Heard learned counsel for the petitioner and the learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC), appearing for respondent Nos.2 to 4. Perused the record.

3. It is ultimately contended on behalf of the petitioner that pursuant to the notice, dated 16.02.2019, issued by the respondent No.3, the petitioner has paid the regularization charges, including penalty, on 18.02.2019. The petitioner has also submitted a reply, dated 05.03.2019, to the notice, dated 19.02.2019. However, the respondent No.4 by the impugned notice, dated 03.05.2019, rejected the reply, dated 05.03.2019, submitted by the petitioner, stating that the same is not satisfactory and directed the petitioner to submit his explanation within three days from the date of receipt of the impugned notice. Further, it was observed that since the petitioner did not give any reply, action would be initiated as per Sections 636,

596, 461(4) and 461-A of Hyderabad Municipal Corporation Act, 1955.

4. It is seen from the impugned notice that the respondent No.4 rejected the reply of the petitioner by simply stating that the same is not satisfactory. The respondent No.4 while rejecting the reply of the petitioner ought to have passed a reasoned order. However, it is contended on behalf of the respondent No.3 that action would be taken in accordance with law.

5. Under these circumstances, the petitioner is directed to file explanation to the impugned notice, dated 03.05.2019. On filing such explanation, the respondents concerned shall take action in accordance with the governing regulations expeditiously, preferably within a period of three (3) months thereon. Till the disposal of the explanation filed by the petitioner, the respondents shall not remove the structures belonging to the petitioner herein in the subject premises.

6. With the above direction, the Writ Petition is disposed of at the stage of admission.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

May 08, 2019.
MD

Dr. SHAMEEM AKTHER, J

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