

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.13469 OF 2019

Date: 10.7.2019

Between :

Banoth Sama

Petitioner

And

State of Telangana, rep. by its
Principal Secretary,
Tribal Welfare Department,
Secretariat,
Hyderabad and others.

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Respondent No.1 and learned Standing Counsel for GHMC appearing for Respondents 2 to 5 and perused the material available on record.

2. It is alleged that petitioner and three others jointly purchased land to an extent of 800 sq.yards bearing H.No.1-116/5/1A, Plot No.1A part in Sy.No.542 situated at Alwal village, Malkajgiri mandal, Ranga Reddy district and building permission was also granted to the petitioner for construction of cellar+stilt+4 upper floors.

3. This writ petition is filed challenging notice dated 22.6.2019 issued under Section 636 of Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'). It is the assertion of the learned counsel for petitioner that no notice or opportunity was given to the petitioner to file her explanation on the allegations made in the notice dated 22.6.2019 and such penal action cannot be taken without following due process of law.

4. Learned Standing Counsel appearing for Respondent Corporation produced copies of notice dated 10.5.2018 under Sections 452(1) and 461(1) of the Act and also show cause notice dated 14.5.2018 under Section 450 of the Act before the Court. However, learned Standing Counsel fairly submits that notices under Sections 452(1) and 461(1) could not be served on the petitioner and

so far building permission is not cancelled. Copies of the said notices are furnished to the learned counsel for petitioner by the learned Standing Counsel.

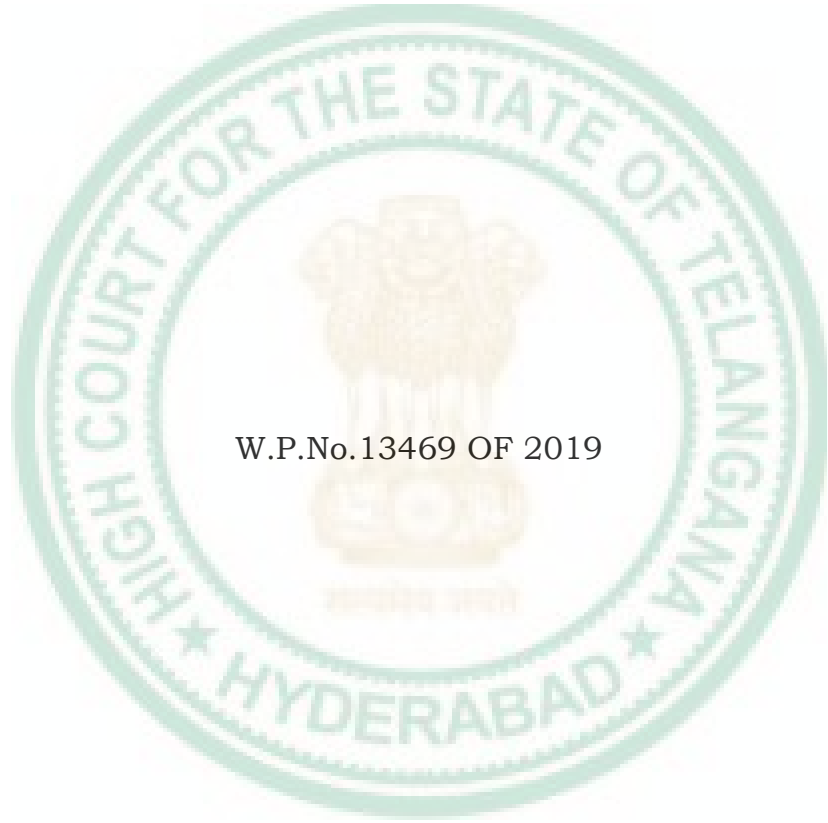
5. In view of the same, by setting aside the notice issued dated 22.6.2019 issued under Section 636 of HMC Act, 1955, petitioner is granted liberty to file explanation to the notices issued by the Respondent Corporation within a period of four weeks from the date of receipt of a copy of this order. On filing such explanation by the petitioner, Respondent Corporation shall consider and pass appropriate orders, in accordance with law, as expeditiously as possible. Till then, the petitioner shall not take up any further construction on the subject property and the Respondents also shall not demolish the constructions already made.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed.

Date: 10.7.2019
DA

P. NAVEEN RAO, J

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