

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19428 OF 2019

ORDER:

Petitioner challenges the notice dated 07.08.2019 issued by the respondent - Greater Hyderabad Municipal Corporation, by virtue of which, she was directed to submit certain documents for verification in respect of House No. 10-4-34/1 situated at Humayan Nagar, within three days from the date of its receipt .

It is the case of the petitioner that when she tried to submit the documents required in Tappal of the Corporation, the same were not acknowledged on the pretext that it should be addressed only to the Commissioner. As the respondent authorities had approached the subject property to demolish, the petitioner seeks a *mandamus* to declare the notice impugned as illegal and arbitrary.

Learned counsel for the petitioner submits that issuance of the impugned notice is motivated for extraneous reasons. According to him, the Director, Enforcement, Vigilance & Disaster Management, GHMC, Hyderabad does not have jurisdiction to initiate proceedings either under Section 452 or 635 of the Greater Hyderabad Municipal Corporation Act, 1955. The learned counsel apprehends that without considering the material submitted by his client, the respondent Corporation may take coercive steps.

Papers of the Writ Petition have been served on Sri Pasham Krishna Reddy, learned Standing Counsel for the Corporation, as is evident from the case bundle and this Writ Petition has been taken up as Lunch Motion, at request of the learned counsel for the petitioner.

Having regard to the nature of assertions made, particularly considering the fact that the challenge herein is only to the notice, the Writ Petition is disposed of at the admission stage giving liberty to the petitioner to submit all the documents sought by the respondent, who shall receive and acknowledge receipt thereof. Since the notice was issued by the Director, he shall take into consideration the documents that may be submitted by the petitioner and seek further clarification, if necessary. The respondent shall consider the explanation that may be submitted by the petitioner in accordance with law. It is however, made clear, an order, in writing, be passed before taking any coercive action.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

05th September 2019

Issue CC forthwith.
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