

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21508 of 2019

ORDER:

In this Writ Petition, petitioner challenges notice dated 23.09.2019 issued by respondent – Greater Hyderabad Municipal Corporation, rep. by its Director, Enforcement, Vigilance & Disaster Management, Hyderabad.

Pursuant to the notice dated 07.08.2019 issued to her earlier by the respondent, the petitioner approached this Court by way of filing Writ Petition No.19428 of 2019. While disposing of the said Writ Petition, vide order dated 05.09.2019, this Court gave her liberty to submit all the documents sought by the respondent as well as explanation and thereby, directed the respondent to consider the same in accordance with law. Accordingly, she submitted a reply on 13.08.2019 enclosing various documents, including the permissions obtained for making construction. However, she was issued with the impugned notice directing her to show cause as to why unauthorized structures shall not be removed.

In the impugned notice, the respondent stated that the petitioner had filed sale deed only along with reply dated 13.08.2019.

Though it is submitted by the learned counsel for the respondent that the documents came to be submitted by the petitioner on 24.09.2019, submission of the learned counsel for the petitioner that the impugned notice came to be served on the petitioner only on 25.09.2019 and it is backdated cannot be ruled out.

Be that as it may, today, when the matter is taken up, the learned Standing Counsel, on instructions, submits that the petitioner had occupied 17 feet road portion. It may be noted that this allegation was not raised by the respondent at an earlier point of time.

In those circumstances, the impugned notice is set aside. However, this order shall not be construed as restraining the respondent from taking action against the petitioner in accordance with law, if there is any violation.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

30th SEPTEMBER, 2019.

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