

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.22791 of 2019

ORDER:

In this Writ Petition, the petitioner challenges the notice dt.09-10-2019 issued under Section 452 (2) of the GHMC Act, 1955 (for brevity 'the Act, 1955) by the 3rd respondent rejecting the explanation offered by the petitioner with respect to the unauthorized constructions made by him.

2. As per the impugned notice, the petitioner alleged to have constructed sheds without obtaining permission and even in the explanation submitted by the petitioner, it was admitted by him that no permission was obtained.

3. However, learned counsel for the petitioner submits that since the alleged constructions are only temporary sheds, the petitioner need not obtain any permission.

4. On the other hand, learned Standing Counsel appearing for the respondents asserts that even with regard to the construction of temporary sheds, in terms of the G.O.Ms.No.168 dt.07-04-2012, permission is required and as it is admitted by the petitioner himself that no permission is granted in his favour, the action of the respondents-Corporation cannot be found fault.

5. Having regard to the respective submissions, as there is yet another step which is required to be followed by the Corporation

under Section 636 of the Act, 1955, before undertaking the demolition of the illegal structures, the respondents-Corporation shall duly follow the procedure prescribed under Section 636 of the Act, 1955.

6. With the above directions, the Writ Petition is disposed of. No costs.

7. Miscellaneous petitions pending in the Writ Petition, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date: 18-10-2019.
kvr

