

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24139 OF 2019

ORDER:

The action of the respondent Corporation in trying to demolish the structures of the petitioner without considering the explanation submitted by him to the notice dated 21.10.2019, without giving opportunity of personal hearing and without following due process of law, is challenged in this Writ Petition.

The claim of the petitioner is that he is the absolute owner and peaceful possessor of the entire second floor in premises bearing Municipal Nos. 5-1-592/2 and 5-1-593, situated at Troop Bazar, Hyderabad. He claims to have constructed the subject premises, *vide* permission granted in 1994, without any deviation from the original sanctioned plan. It is his case that the respective owners of the shops of the second floor have constructed shutters to their parking to safeguard their vehicles from theft as two-wheelers were stolen from the said premises. According to the petitioner, he submitted explanation dated 22.10.2019 to the impugned notice.

Heard learned counsel for the petitioner.

Learned Standing Counsel *Sri N. Ashok Kumar* for the respondent Corporation, on instructions, denies the explanation having been submitted by the petitioner. He further submits that the petitioner had failed to furnish the copy of the sanctioned plan alleged to have been granted in his favour. The learned Standing Counsel asserts that no demolition of the structure has been carried out.

Having regard to the respective submissions, since it is the contention of the learned Standing Counsel that the petitioner had failed to submit a copy of the sanctioned plan, there is no need to go into the merits of the Writ Petition. Suffice to direct the petitioner to submit the original sanctioned plan before the respondent Corporation for verification. Further, insofar as the submission of the learned Standing Counsel that the petitioner has not submitted explanation to the notice, the latter asserts that it was submitted on 22.10.2019.

In that view of the matter, the petitioner is directed to produce the original sanctioned plan before the respondent Corporation for verification. At the same time, the respondent Corporation is also directed to consider and pass appropriate orders on the explanation said to have been submitted by the petitioner on 22.10.2019, before proceeding further. If the petitioner desires, an opportunity of hearing may also be provided. Needless to say, no demolition of the subject premises shall be undertaken till the final orders are passed under Section 636 of the Greater Hyderabad Municipal Corporation Act, 1955.

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

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

CHALLA KODANDA RAM, J

04th November 2019

ksld