

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

W.P. No.27053 of 2019

ORDER:

This writ petition is filed seeking to declare the impugned notice vide No.48/TPS/Cir-1/EZ/GHMC/2019, dated 02.12.2019 issued by the 3rd respondent, Deputy Commissioner, Greater Hyderabad Municipal Corporation, threatening to demolish the structures in Plot Nos.29,30, 33 and 34 of Bapuji Nagar, Nacharam, Kapra Circle, Ranga Reddy District even after civil case vide O.S. Nos.58 and 72 of 2018 are pending before the VIII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar as illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently to direct the respondent not to take any coercive steps in demolition of the petitioners' property.

It is the case of the petitioners that they are the owners and possessors of their respective subjected property and after purchasing the same, they made construction of compound wall around the subjected plots with one room for the security persons and thereafter, they obtained the electricity connection for the plots and paying property tax to the GHMC arising thereon without any default as on today. It is also their case that due to unauthorized disturbances from the third parties they filed civil suits in O.S. No.58 of 2018 and 72 of 2018 before the VIII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar and obtained interim

injunctions in the said suits and both the suits are pending. The claim of the petitioners is that during pendency of the suits, issuance of impugned notice is in violation of Court proceedings and notice itself is null and void. Hence, they filed the present writ petition.

The learned counsel for the petitioners submitted that the petitioners are not raising any constructions now, but, compound wall and room are in existence. He also submitted that the petitioners obtained an electricity connection and are paying property tax in respect of the said property.

As could be seen from the impugned notice, it is clear that the content of the show-cause notice is only calling for the explanation within seven day from the date of receipt of the notice and nothing prevented them from submitting their explanation as sought for in the impugned notice.

In that view of the matter, this Court feels that this writ petition is premature and it would be suffice to direct the petitioners to submit their explanation to the impugned notice dated 02.12.2019, within a period of seven days from today.

Accordingly, this writ petition is disposed of directing the petitioners to submit their explanation to the impugned notice dated 02.12.2019, within a period of seven days from today. Even if they feel aggrieved thereafter, they are at liberty to

avail remedies available under law. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 10.12.2019
LSK

