

HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.Nos.25610 & 27158 of 2019

COMMON ORDER:

Since the issue involved in both these Writ Petitions is one and the same, these Writ Petitions are being heard together and disposed of by this Common Order.

2. Heard both sides.

3. While the petitioner in W.P.No.25610 of 2019 filed a complaint before the Greater Hyderabad Municipal Corporation (GHMC), Malkajgiri, Hyderabad, on 25-10-2019 aggrieved by the alleged action of the 5th respondent in raising construction in gross violation of the GHMC Rules and Regulations and also encroaching their property, the 5th respondent, along with her husband, filed W.P.No.27158 of 2019 to declare the notices dt.21-11-2019 and 05-12-2019 issued by the 4th and 3rd respondents, respectively, as illegal and violative of Article 14 and 300-A of the Constitution of India.

4. In response to the complaint of the petitioner in W.P.No.25610 of 2019, the GHMC issued notice dt.21-11-2019 to the petitioners in W.P.No.27158 of 2019 calling for explanation and they have submitted their explanation on 22-11-2019.

5. In view of the same, since the GHMC initiated action under Section 452 of the GHMC Act vide notice dt.21-11-2019, W.P.No.25610 of 2019 has become infructuous.

6. Further, insofar as W.P.No.27158 of 2019 is concerned, after the petitioners herein submitted explanation to the notice dt.21-11-2019, the GHMC has considered the same and passed orders under Section 636 of the Act on 05-12-2019 which is under challenge in this Writ Petition.

7. However, in Section 636 notice, the official respondents indicated that the unauthorized construction of pent house is in deviation to the sanctioned plan. Except alleging with regard to the construction of that pent house, the said notice does not contain details about the unauthorized construction alleged to have been made by the petitioner in W.P.No.25610 of 2019.

8. In view of the same, I deem it appropriate to dispose of W.P.No.27158 of 2019 with certain directions. Therefore, Section 636 notice dt.05-12-2019 issued by 3rd respondent is set aside. However, the respondents shall give an opportunity to the petitioners to submit further explanation, if any and pass a speaking order thereon. This entire exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

9. In the result, W.P.No.25610 of 2019 is dismissed and W.P.No.27158 of 2019 is disposed of. No costs.

10. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 13.12.2019
kvr

