

HONOURABLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No. 1115 of 2020

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents 2 to 4 and the learned counsel appearing for the respondent No.5.

2. The prayer sought in the writ petition is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent Nos.2 to 4 in issuing notice No.275/TPS/ACP/C-17/KZ/2020 dated 17.01.2020 under Section 636 of Hyderabad Municipal Corporation Act without considering his representation dated 06.09.2019 and 30.05.2018 in respect of his property bearing Flat No.7-1-275/101/E, Eden Apartments, Balkampet, Hyderabad as illegal, arbitrary, unconstitutional and consequently to set aside the same and pass such other order or orders as deemed fit and proper in the circumstances.”

3. The basic grievance of the petitioner is that in spite of giving detailed explanations to the notices issued under Sections 452(1)(2) and 461(1) of H.M.C. Act, without considering and even referring the same, final notice under Section 636 of HMC Act was issued. The explanations submitted to the said notices are filed in the material papers at page Nos.13 to 15 with office endorsements.

4. Learned Standing Counsel appearing for the respondents 2 to 4 fairly concedes that the explanations were not considered and a final notice has been issued. Therefore, this Court is of the opinion that the impugned orders in the form of final notice in the present writ petition vide Notice No.275/TPS/ACP/C-17/KZ/2020 dated 17.01.2020 is liable to be set aside.

5. Accordingly, the writ petition is allowed and the impugned notice No.275/TPS/ACP/C-17/KZ/2020 dated 17.01.2020 is set aside. The respondents 2 to 4 are directed to consider the explanations submitted to the notices issued under Sections 452(1)(2) and 461(1) of H.M.C. Act and pass final orders in accordance with law. There shall be no order as to costs.

At this stage, the learned counsel appearing for the petitioner seeks permission of this Court to submit a detailed explanation to both the notices. The permission, as sought for, is accorded.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHA RAO, J

Date: 17.02.2020
ccm



HONOURABLE SRI JUSTICE P. KESHAVA RAO



WRIT PETITION No.1115 OF 2020

Date:17.02.2020

ccm

