

HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.1703 of 2020

ORDER :

The relief sought in the writ petition is as under:

“..... this Hon'ble Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the Notice No.UC/41/TPBO/EWARD01/Circle-I/GWMC/2019, dt. .01.2020 issued under Sections 452(1) and 461(1) of Hyderabad Municipal Corporation Act, is illegal, arbitrary and set aside the same and consequently direct respondent No.2 not to demolish the existing compound wall around Sy.No.529/B, Hanamkonda Revenue Village, Hanamkonda Mandal, Warangal District, and pass such other order or orders”

Heard learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondents – Corporation.

Learned counsel for the petitioner submits that though the petitioner has submitted her explanation dt.14.01.2020 to the Show Cause Notice No.UC/41/TPBO/EWARD01/Circle-I/GWMC/2019, dt. .01.2020 issued by the respondents – Corporation under Sections 452(1) and 461(1) of Hyderabad Municipal Corporation Act, 1955 (for brevity “the Act”), without considering the said explanation, the respondents are attempting to demolish the compound wall constructed by the petitioner.

Per contra, the learned Standing Counsel appearing for the respondents – Corporation submits that prior to issuance of impugned Show Cause Notice dt. .01.2020, a Notice under Section 635 of the Act was issued asking the petitioner to submit information relating to the subject property. In spite of the same and since the petitioner has not responded to the said Notice and proceeding with the construction activity, particularly the compound wall, the respondents have issued the impugned Show Cause Notice.

Having heard learned counsel for the respective parties, as the petitioner has already submitted her explanation dt.14.01.2020 to the Show Cause Notice dt. .01.2020 issued by the respondents – Corporation, this Court is of the considered opinion that ends of justice would be met if the respondents are directed to consider the said explanation submitted by the petitioner and pass appropriate orders.

Accordingly, this writ petition is disposed of directing respondent No.2 to consider the explanation dt.14.01.2020 submitted by the petitioner and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that till orders are passed on the explanation dt.14.01.2020 submitted by the petitioner, respondent No.2 is directed not

to take any coercive steps against the subject construction made by the petitioner. No order as to costs.

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

JUSTICE P. KESHA RAO

28.01.2020.
Msr



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(Msr)