

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.2940 of 2020

ORDER:

Heard learned counsel for the petitioner as well as learned Standing Counsel appearing for respondent Nos.2 and 3.

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

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the impugned Challan vide S.No.90294, dated 24-10-2019 under section 674 of GHMC Act, 1955 issued by the 3rd Respondent to pay an amount of Rs.25,000/- (Twenty Five Thousand Only) without issuing prior notice for allegedly that the petitioner to have dumped the construction material on the street as is illegal, void, arbitrary and violation of Article 21 of Constitution of India and consequently set aside the impugned Challan vide S.No.90294, dated 24-10-2019 and to grant such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

3. The basic grievance of the petitioner herein is that prior to issuance of the impugned challan, vide S.No.90294, dated 24.10.2019, under Section 674 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, ‘the Act’), respondent Nos.2 and 3 have not issued any prior notice regarding the alleged dumping of material, whereby the petitioner violated the procedure under Section 674 of the Act.

4. Learned Standing Counsel, on instructions, fairly submits that no prior notice has been issued before issuing the impugned challan.

5. If that be so, the action of respondent Nos.2 and 3 in issuing the impugned challan, would violate the principles of natural justice, since no prior notice has been given.

6. In these circumstances, the petitioner is hereby directed to submit his explanation, treating the impugned challan vide S.No.90294 dated 24.10.2019 as a show-cause notice, within two weeks from today. On such submission of the explanation, respondent Nos.2 and 3 are directed to consider the same and pass appropriate orders in accordance with law, within three weeks thereafter.

7. With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

19th February 2020

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P. KESHAVA RAO, J

