

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.24131 of 2022

ORDER:

Heard Mrs.A.Satyasiri, learned counsel for the petitioner. Heard Sri Sampath Prabhakar Reddy, learned standing counsel for GHMC appearing for the respondents.

2. The Writ Petition has been filed by the petitioner being aggrieved by the speaking order of the 2nd respondent in Letter No.86/UC/104/C-20/TPS/GHMC/2021, dated 03.06.2021.

3. Learned counsel for the petitioner mainly contends as follows :

(i) That the impugned speaking order vide Letter No.86/UC/104/C-20/TPS/GHMC/2021 is dated 03.06.2021 but signed on 01.06.2022, actually served on the petitioner only on 03.06.2022 at 12.00 noon.

(ii) As per the impugned order, the petitioner was unilaterally directed to demolish the slab in second floor, which is provided for capsule lift and escalator in the sanctioned plan within twenty four hours, unilaterally and irrationally.

(iii) The impugned order is contrary to the specific directions of the High Court passed on 06.04.2022 in W.P.No.6285 of 2021 in C.C.No.626 of 2021 which clearly held that the respondent/GHMC was obligated to issue notices to all the individual owners and take necessary action strictly in accordance with law if GHMC finds that the constructions are contrary to the municipal plan sanctioned by the GHMC.

(iv) The impugned speaking order is contrary to Section 636 of GHMC Act, 1995, which clearly mandates issuance of notice prior to any removal or demolition of any unauthorized construction by GHMC.

4. Learned counsel for the respondent/GHMC, on the other hand, submits as follows :

(i) That the directions of High Court dated 06.04.2022 passed in W.P.No.6285 of 2021 in C.C.No.626 of 2021 were in respect of internal walls already constructed by the individual owners of the land and that the respondent/GHMC was not proceeding with demolition of the said internal walls without issuing notice to all the concerned individual owners.

(ii) Learned counsel for the GHMC however fairly admits that no prior notice has been issued to the petitioner prior to passing of impugned speaking order dated 03.06.2021 calling upon the petitioner to demolish the unauthorizedly laid slab in second floor, which is provided for capsule lift and escalator in the sanctioned plan within twenty four hours.

5. Taking into consideration the above submissions and after perusal of the material on record, this Court opines that the impugned speaking order of the 2nd respondent in Letter No.86/UC/104/C-20/TPS/GHMC/2021 dated 03.06.2021 is in clear violation of principles of natural justice and is accordingly set aside.

6. In the result, this Writ Petition is allowed without costs. However, it is made clear that the respondents, if so desired, are at liberty to issue fresh notice to the petitioner within two weeks from today and to initiate appropriate action against the petitioner in

accordance with law and pass appropriate orders giving reasonable opportunity to the petitioner.

Miscellaneous petitions, if any, pending shall stand closed.

03rd June, 2022

SUREPALLI NANDA,J

Note:
C.C.today.
b/o.
Abb.