

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 3717 OF 2022

Between:

J Madan Mohan Reddy, S/o. Late J. Raghunath Reddy, Aged about 54 years,
Occ. Business R/o H. No. 3 - 4 - 512/20, Flat No. 401 Parkview Apartments,
Barkatpura Hyderabad.

...PETITIONER

AND

1. The Municipal Commissioner Greater Hyderabad Municipal Corporation,
Lower Tank Bund Road Tank Bund Road, Adarsh Nagar, Hyderabad,
Telangana - 500 063
2. The Assistant City Planner, Greater Hyderabad Municipal Corporation
Amberpet Circle - 16, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, one more particularly in the nature of Writ Mandamus. a) Declaring the action of the Respondent No.2 in issuing show cause notice bearing no.512 -2/ ACP/ TPS/ C-16/GHMC/ 2022 dated 21/01/2022 as bad, arbitrary, illegal, violative of Principles of natural Justice and violative of Article 14, 21 and 300A of Constitution of India and also contrary to HMC Act, 1955. b) Consequently set aside the show cause notice bearing no 512 - 2/ACP/ TPS/ C - 16/ GHMC/ 2022 dated 21/01/2022, 21/01/2022.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to *direct the Respondents herein not to take any coercive steps against the*

Petitioner including demolishing of the existing structures i.e., toilets undertaken by the Petitioner.

Counsel for the Petitioner : SRI R. ANURAG

**Counsel for the Respondent Nos.1 & 2: SRI PASHAM KRISHNA REDDY,
SC FOR GHMC**

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.3717 of 2022

ORDER:

This writ petition is filed questioning the action of respondent No.2 in issuing a show cause notice bearing No.512-2/ACP/TPS/C-16/GHMC/2022 dated 21.01.2022 under Section 452(2) of Hyderabad Municipal Corporation Act, 1955, wherein it is observed that earlier, a notice was issued to petitioner for removal of unauthorized extension of toilets on terrace floor and directed to stop the works and remove the unauthorized construction immediately and it is stated that as the petitioner did not submit any reply to the show cause notice, further action will be taken as per Section 636/Section 596/Section 461(4)/461-A of the said Act.

2. Heard learned counsel for the petitioner Mr. R. Anurag and learned Standing Counsel for respondent Nos.1 and 2 Mr. Pasham Krishna Reddy.

3. Learned counsel for the petitioner submits that though it is stated in the notice that the respondents have issued earlier notice, the petitioner has never received the said notice. He submits that the petitioner is not making any unauthorized construction, but he is renovating the toilets in the existing structure.

4. Respondents have filed counter stating that when the respondents have issued earlier notice, the petitioner has submitted his explanation stating that he is only doing repair work of bathroom and the officials of respondents have inspected the premises and noticed that there is no new construction, except repairs to the leakages of bathroom.

5. Learned Standing Counsel for respondents also submits that after inspection, the officials of respondents have noticed that there is no new construction and the petitioner is only making repairs to the bathroom.

6. Recording the submission of learned Standing Counsel, the Writ Petition is closed. No order as to costs.

7. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

**SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

1. One CC to Sri R. Anurag Advocate [OPUC]
2. One CC to Sri Pasham Krishna Reddy, SC for GHMC [OPUC]
3. Two CD Copies
4. One Spare Copy

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HIGH COURT

DATED:15/03/2022

ORDER

WP.No.3717 of 2022



CLOSING THE WP.
WITHOUT COSTS.

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06/05

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