
(2022) 05 TEL CK 0004
In the Telangana High Court
Case No : Writ Petition No. 23486 Of 2022

Rizwana Begum

APPELLANT

Vs

State Of Telangana And 2 Others

RESPONDENT

Date of Decision : 05-05-2022

Acts Referred:

Constitution Of India, 1950 — Article 300A
Hyderabad Municipal Corporation Act, 1955 — Section 636

Citation : (2022) 05 TEL CK 0004

Hon'ble Judges : K.Surender, J

Bench : Single Bench

Advocate : Suresh Shiv Sagar

Final Decision : Disposed Of

Judgement

This writ petition is filed for the following relief;

"..... to pass an order or orders one in the nature of Writ of Mandamus declaring the impugned notice No.150/TPS/UC/23/CRJ/2022, issued to the petitioner of 21.04.2022, received on 25.04.2022 as null and void, liable to be set aside and not binding on the petitioner for the reasons that already the petitioner has obtained a sanction plan in respect of the petitioner's property bearing H.No.23-5-150, admeasuring 70 Square Yards, situated at Moghalpura, Charminar, Hyderabad, T.S. vide application No.16112/GHMC/8045/2022, dt.12/04.2022 for the construction of Stilt for parking + 2 upper floors and (a) direct the respondent No.3 to dispose of the objection dt.29.04.2022 given by the petitioner to the respondent No.3 against the impugned notice No.150/TPS/UC/23/CRJ/2002, issued from the office of the respondent No.3 to the petitioner dt.21.04.2022, b) to declare the said action of the respondents as illegal, arbitrary, against the principles of Natural Justice, violation of law, against the Rule of GHMC Act, 1955 and against the right to property guaranteed under Article-300 A of the Constitution of India and pass such other order or orders as this court may deem fit...."

Heard both sides.

Learned Counsel for petitioner submits that notice dt.21.04.2022 was issued to the petitioner alleging deviation and unauthorized construction, for which a reply dt.29.04.2022 was given to the 2nd respondent.

In the said circumstances, the respondents are directed to enquire in accordance with the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') before issuing notice under Section 636 of the Act, 1955 by considering the reply made by the petitioner on 29.04.2022, within a period of four weeks from the date of receipt of a copy of this order. It is needless to say that the enquiry would also include consideration of the documents produced by the petitioner and also a right of hearing the petitioner in person.

Accordingly, the writ petition is disposed of. No order as to costs.

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