

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT PETITION (PIL) No.191 of 2018

ORDER: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

This Public Interest Litigation is filed seeking a direction to the official respondents and the fifth respondent to remove the illegal constructions in the open spaces earmarked for parks and other public utilities in Maruthi Nagar and to direct them to develop those open spaces as parks for the benefit of residents of that Nagar.

2. Respondent No.4 – Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad (GHMC), has filed a counter-affidavit. Paragraph Nos.13 and 14 of that counter-affidavit read as follows:

“13. After filing of the above Writ Petition, on verification of the records, the Respondent Corporation noticed that in the original layout approved by the Gram Panchayat the Plots 226 and 227 are in the open space earmarked for developing park, Temple and Bus stand. Thereafter, the Respondent Corporation by following due process served the show cause notice No.3950/TPS/C3/GHMC/2018, dated 27.07.2018 u/S.450 of GHMC Act duly giving 7 days time to show cause, for cancellation of permissions respectively. (Copy of the said notice No.3950/TPS/C3/GHMC/2018, dated 27.07.2018 issued

u/S.450 of GHMC Act is herewith enclosed as Annexure-R-4/-4).

14. It is submitted that the Respondent Corporation has issued show cause notice No.184500/TP/EZ/DEE/2018, dated 04.08.2018 for cancellation of LRS Nos.27032017113711 & 27032017113804, dated 27.03.2017. However, the work at site has been stopped and further action will be taken in accordance with law. (Copy of the said notice No.184500/TP/EZ/DEE/2018, dated 04.08.2018 for cancellation of LRS Nos.27032017113711 & 27032017113804, dated 27.03.2017 is herewith enclosed as Annexure-R-4/-5).”

3. From the aforesaid, it is clear that GHMC has initiated action having noticed the fact situations disclosed. However, it is submitted that the decision taken by GHMC following what is quoted above was subjected to a Writ Petition before this Court as Writ Petition No.1248 of 2019 and that those proceedings have been set aside on the premise that it was not the competent authority, who issued the orders. The learned Standing Counsel for GHMC says that further action is being proceeded with and that it will be concluded at the earliest. We record this submission.

4. Hence, leaving open the contentions that may be relevant in the proceedings before GHMC, this Writ Petition is ordered directing that the competent authority in GHMC will conclude

the aforementioned proceedings at the earliest and issue orders following due procedure of law. Let this be done within an outer limit of six (6) weeks from the date of receipt of the copy of the order.

Pending miscellaneous petitions, if any, shall also stand disposed of. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 29.01.2019

A. RAJASHEKER REDDY, J

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