

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**FRIDAY, THE FOURTH DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.28762 of 2015

Between:

Pilla Veera Venkata Satyanarayana Vara Prasada Rao,
S/o. Late Sri Lakshmana Rao,
Hindu, Age 60 years,
Occ: Business, R/o.H.No.76-3-3,
Gandhipuram-2, Rajahmundry – 5233 103,
East Godavari District.

.. Petitioner

AND

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration & Urban
Development Department,
Secretariat, Hyderabad 500 022 & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

According to the petitioner, he has submitted an application on 22.02.2014 along with plans seeking permission to the 2nd respondent Municipal Corporation to construct building in the premises owned by him. The said application was returned by endorsement, dated 16.06.2014, informing the petitioner that the plan submitted by him is not matching with the extent of land as per the documents filed by him. The petitioner claims to have submitted the relevant documents in response to the said endorsement, but there is nothing on record to show about the same. However, the petitioner went on constructing the building even though no permission was granted to him. Having come to know that the petitioner has undertaken construction without obtaining permission, a show cause notice was issued on 07.08.2015 under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'). At this stage, the petitioner files this writ petition alleging that the respondent authorities are trying to demolish the structures constructed by the petitioner in the subject property and seeks a direction not to demolish the structures of the petitioners.

2. As seen from the notice issued on 07.08.2015, an illegal construction was commenced by the petitioner without obtaining building permission. It is not in dispute that no

building permission is granted till date. Thus, there is no illegality in issuing the notice under Section 452 of the Act. So far, no explanation is filed by the petitioner.

3. Having regard to the same, the Writ Petition is disposed of at the admission stage directing the petitioner to submit his explanation to the show cause notice, dated 07.08.2015 within a period of one (1) week from the date of receipt of a copy of this order and on submission of the said explanation, the respondent authorities shall proceed further and complete the entire process within a period of six (6) weeks thereafter including notices under Sections 452(1) and 636 of the Act, if they are not convinced with the explanation furnished by the petitioner. Having regard to the fact that the building permission was not granted earlier, the petitioner shall not undertake any further construction until the issue is finalized. The 2nd respondent Municipal Corporation shall not take any coercive steps against the petitioner till the issue is finalized. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 4th September, 2015

Note: Issue C.C. by 08.09.2015.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 4th September, 2015

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