

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

THURSDAY, THE SIXTH DAY OF AUGUST,
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WP .NO: 13064 of 2015

Between:

B. Babu, S/o Sri B. Somoji,
Occupation : Employee, R/o 12-10-93/1,
Seethapahalandi, Secunderabad.

..... Petitioner

AND

- 1 The Greater Hyderabad Municipal Corporation, Tank Bund Road,
Hyderabad, represented by its Commissioner & Special Officer.
- 2 Ramesh Rama Krishna Karmarkar, S/o Late R.G. Karmarkar, Occ:
Business, R/o H. No.12-10-98/ 1, Seethaphalandi, Secunderabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue writ, order or a direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not removing the unauthorized and illegal constructions and/or deviations made by the 2nd respondent herein in Cellar/ Ground floor portion of premises bearing Municipal No.12-10-98/1, admeasuring 604 Sq. yards, situated at Joshi Compound, Seethaphaimandi, Secunderabad, as illegal, arbitrary, unjust and contrary to the catina of judgments rendered by this Hon'ble Court and consequently to direct the respondent No.1 herein to forthwith remove the same.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Mahmood Ali, Advocate for the Petitioner and Sri P. Kesava Rao, Standing Counsel for GHMC, for Respondent No.1, the Court made the following

ORDER:

Petitioner is the owner of the Flat No.103 in the first floor of building known as 'Regency Arcade Snehalata Sadan', having plinth area of 1034 square feet out of total extent of 604 square yards in the premises bearing Municipal No.12-10-98/1 situated at Seethaphalandi, Secunderabad.

According to the petitioner, as per the conditions of sanction granted to the 2nd respondent on 22.10.1999, parking area proposed in the building should not be converted into any other use other than parking of the vehicles. In contravention to the said permission, the 2nd respondent converted the parking area into Apartment depriving the parking place

and notice to that extent alleging illegal construction was issued as early as in the year 2010, but no further action is taken.

Earlier the 2nd respondent filed W.P.No.29638 of 2010 against notice dated 2.11.2010 alleging that he was not given prior notice before taking coercive action. By order dated 31.01.2014, writ petition was disposed of directing to treat the notice given under Section 636 of the Hyderabad Municipal Corporation Act, 1955 as notice under Section 452(1) of the Act and be given liberty to the petitioner therein to submit his explanation. However, respondent corporation now changed their version and stated that there is no violation.

Learned counsel submits that the portion in which construction is made is parking area as originally envisaged in the approved plan and contrary to the approved plan, wrong orders are passed by the respondent corporation.

Having regard to the controversy in the writ petition and as requested by the counsel for the petitioner, the respondent corporation is directed to conduct inspection of the subject premises in the presence of the petitioner as well as 2nd respondent and submit a report as to whether any such construction was made in the place which was originally earmarked for parking or at any other place. The report shall be filed within a period of three weeks from the date of receipt of a copy of this order.

Post the writ petition on 27.08.2015.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Commissioner & Special Officer, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad. **(By Spl. Messenger)**
- 2 Ramesh Rama Krishna Karmarkar, S/o Late R.G. Karmarkar, R/o H. No.12-10-98/ 1, Seethaphalamandi, Secunderabad. **(By RPAD)**
- 3 One CC to Sri Mahmood Ali, Advocate (OPUC)
- 4 One CC to Sri P. Kesava Rao, Standing Counsel for GHMC **(By Spl. Messenger)**
- 5 One spare copy.

nnr

HIGH COURT

PNR,J

DATED: 6-8-2015

**NOTE: Report of R-1,
Post on 27-8-2015**

ORDER

W.P.NO. 13064 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 07-08-2015

PNR,J

DATED: 6-8-2015

**NOTE: Report of R-1,
Post on 27-8-2015**

ORDER

W.P.NO. 13064 OF 2015

DIRECTION

