

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40033 of 2015

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09.12.2015

Between:

Smt.Bolukonda Kalavathi

.. Petitioner

and

The State of Telangana,

represented by its Principal Secretary,

Municipal Administration and Urban Development Department,

Hyderabad, and others

.. Respondents

Counsel for the petitioner: Mr.Polisetty Radhakrishna

Counsel for respondent No.1: Assistant Government Pleader

for Municipal Administration and Urban Development (TS)

Counsel for respondent Nos.2 and 3: --

Counsel for respondent No.4: --

The Court made the following:

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ORDER:

Notice issued under Section 452(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') and order passed under Section 452(2) of the Act by respondent No.2 are the subject matter of this writ petition.

At the hearing, Mr.Polisetty Radha Krishna, learned counsel for the petitioner, has fairly submitted that his client is seeking to raise construction on the first floor of the existing building without permission. While conceding that such permission cannot be carried on without permission, he has, however, expressed the grievance that respondent No.4 has also constructed a three storeyed building without any permission and that respondent Nos.2 and 3 have ignored the said illegality and initiated action only against his client. Upon realizing that no relief can be granted to the petitioner based on the negative equity, the learned counsel for the petitioner, has, however, fairly submitted that his client is prepared to remove the centering work so far done and will not proceed with the further construction without obtaining building permission. He has further submitted that his client may be permitted to make a representation to respondent Nos.2 and 3 against the illegal construction made by respondent No.4.

In the light of the above submissions of the learned counsel for the petitioner, the latter is permitted to remove the centering and structures, if any, raised on the first floor of his house within one week from the date of receipt of a copy of this order. Failing such removal, respondent Nos. 2 and 3 shall remove the same at the expense of the petitioner. Respondent Nos. 2 and 3 shall also examine whether respondent No. 4 has constructed his building either without permission or in deviation of the sanctioned plan and that if he has done so, they shall initiate appropriate legal action against him under the provisions of the Act.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.51671 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

09th December, 2015

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