

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 18077 of 2015

Date : 29-06-2015

Between :

N Shyamala W/o N Yadagiri

R/o H No 2-3-647/A/39/1, Prem Nagar,
Amberpet, Hyderabad

Petitioner

And

Greater Hyderabad Municipal Corporation,
Rep by its Commissioner, Tank Bund road,
Hyderabad and others

Respondents

The Court made the following:

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ORAL ORDER:

Petitioner claims to be owner and possessor of property bearing municipal No. 2-3-645/4/A/52, Prem Nagar, Amberpet, Hyderabad admeasuring 166.5 square yards. Without applying for permission for construction, petitioner constructed ground plus three floors in the said premises. A notice was issued to petitioner against such illegal constructions. Having received the said notice, petitioner filed an application under Section 455A of the Hyderabad Municipal Corporation Act, 1955 seeking regularization of such constructions. Considering the said request, orders dated 5.6.2015 were passed rejecting the request of the petitioner for regularization of illegal constructions made by him. The order dated 5.6.2015 was passed under Rule 6 of A.P. Regulation and Penalisation of Unauthorisedly Constructed Buildings and Buildings constructed in Deviation of the Sanctioned Plan Rules, 2007 (for short Rules 2007). Against such orders, an appeal lies under Rule 11 of Rules, 2007 and petitioner seeks to file appeal before the Appellate Authority.

Learned standing counsel for GHMC submitted that subsequent to orders passed on 5.6.2015, top two floors of the building were already demolished and later this Court by order dated 19.6.2015 granted interim order to maintain status quo existing as on that date and said order is in force as on today.

Heard both sides.

Having regard to the submission made by counsel on either side, writ petition is disposed of granting liberty to petitioner to file an appeal under Rule 11 of the Rules 2007 against the decision dated 5.6.2015 within two weeks and on filing of appeal, the Appellate Authority shall consider and pass appropriate orders as warranted under law. In the meantime status quo as directed by this Court on 19.6.2015 shall continue. Subject to above, the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 29.6.2015
TVK

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