

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

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WRIT PETITION No.37613 of 2012

Between:

Thakur Ram Singh

.. Petitioner

and

Government of Andhra Pradesh, Rep.by its Secretary (Municipal
Administration) Secretariat, Hyderabad and two others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 10.8.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37613 of 2012

ORDER:

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of the respondent Corporation in trying to demolish the building bearing H.No.60/134, Anjaiah Nagar, Gachibowli, Serilingampally Municipality, Ranga Reddy District as illegal and arbitrary.

2. Case of the petitioner is that he is the owner and possessor of the aforementioned house property. As the said house became old and the house site is below 120 square yards, he constructed house with two floors and two small rooms on the terrace with water tank. While so, on 26.11.2012, the respondent authorities demolished part of his building on the ground that an order was passed on 5.9.2012 by Lokayukta in Complaint No.499/2012/B1. On enquiry, the respondent authorities gave a zerox copy of the notice, dated 06.09.2012, issued under Sections 452(1) & 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, "the Act"). Part of his building was demolished. The petitioner is apprehending further demolition of his house. In spite of his request, the respondent authorities are not responding and they are not taking any representation or taking any application for regularization of the construction in the locality. Hence, he filed the present writ petition.

3. Learned counsel for the petitioner states that the impugned notice was issued basing on the orders of the Lokayukta; that before filing any explanation, the respondent authorities are trying to demolish the petitioner's building; that part of the building of the petitioner was demolished and hence, he prays to give a direction to the respondent authorities not to demolish the petitioner's building.

4. Heard both sides.

5. This Court passed an order on 06.12.2012 not to proceed with the further demolitions. Since the impugned notice is only a show cause notice, it is open for the petitioner to file an explanation for the same within a period of four (4) weeks from today. On filing such explanation, the respondent authorities shall consider the same in accordance with law, pass appropriate orders and take action thereafter. Till then, *status quo* obtaining as on today shall be maintained.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.RAJASHEKER REDDY

Date: 10.8.2015
AMD

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.37613 of 2012

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DATE: 10.8.2015

AMD