

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

**TUESDAY, THE FIRST 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.18110 of 2015

Between:

K. Dileep Vardhana Chakravarthi,
S/o. Late K. Prakasa Rao,
Hindu, Aged about 44 years,
D.No.5-2-339/P1, Sri Laxminagar,
Near Gayathrinagar Bank Colony,
Sahebnagar Kalan, Vanasthalipuram,
Hyderabad – 500 070, now temporarily
Residing at Flat No.305, S.M. Smrithi
7th Cross, Talakaverinagar Layout,
Vibuthipura, Bangalore – 560 037.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat Buildings, Hyderabad & 6 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Alleging that the petitioner has made unauthorized construction on the subject property, notice under Sections 452(1) & 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), was issued on 22.04.2015. The allegation made in the notice is that the petitioner constructed ground plus first floor unauthorizedly without obtaining permission from the Greater Hyderabad Municipal Corporation. No reply was filed to the said notice. Therefore, the notice under Section 452(2) of the Act was issued on 05.05.2015. At this stage, the petitioner filed a detailed explanation on 19.05.2015. Alleging that no orders are passed on the explanation submitted by the petitioner and on the contrary, coercive steps are being taken against the petitioner, this writ petition is filed.

2. Learned counsel for the petitioner submits that the alleged unauthorized construction is made as early as in the year 2003, whereas the direction issued by this Court in W.P.M.P.No.2471 of 2013 in W.P.No.2048 of 2013 is on 28.01.2013 and no construction was made by the petitioner after the said date. Learned counsel for the petitioner further submits that he could not file a reply to the notice issued on 22.04.2015 since he was not aware of the said notice as he was not living in

Hyderabad and as soon as he came to know that notice was issued, he filed reply on 19.05.2015.

3. Learned Standing Counsel, on instructions, submits that the explanation filed by the petitioner on 19.05.2015 is received and the same would be considered in due course.

4. Having regard to the submissions made, without expressing any opinion on merits, and leaving it open to the competent authority to consider the issue of alleged unauthorized construction, the competent authority is directed to take into consideration the explanation filed by the petitioner on 19.05.2015 and pass appropriate orders, as warranted by law, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order and until the orders are passed as directed above, the respondents shall not take any coercive steps against the petitioners.

5. With the above observations, the Writ Petition is disposed of. 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: 1st September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 1st September, 2015

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