

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19116 of 2015

Date: 26.06.2015

Between:

K.Ravi, S/o. Saraiah, Aged about 42 years, Occu:Business,
R/o.H.No.3-4-758/20/9/B, New Raipura, Hanamkonda,
Warangal District.

.. Petitioner

AND

The State of Telangana, rep.by its Prl.Secretary,
Municipal Administration, Secretariat, Hyderabad
and another.

.. Respondents

The Court made the following:

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ORDER:

Petitioner claims to have purchased the house bearing No.3-4-758/20/9/B of New Raipura, Hanamkonda, Warangal District. Petitioner claims to have undertaken to construct a new building in the place of old building and after paying all the requisite fees, application was submitted granting building permission. Notice dated 02.06.2014 was issued to the petitioner under Section 452(2) of Greater Hyderabad Municipal Corporation Act, 1955. The notice indicates that petitioner was constructing residential building without permission and that building permission was refused for not submitting the LRS proceedings and plan. Petitioner gave explanation on 18.06.2014 stating that as the Master Plan of Warangal Municipal Corporation was not in force, no LRS proceedings are required. However, without waiting further orders from the Corporation, petitioner constructed the house. Alleging that house was constructed illegally the notice impugned was issued. Challenging the same, this writ petition is filed.

2. Learned counsel for the petitioner contends that the only objection was that proceedings granting LRS was not submitted. Petitioner has constructed the house as originally envisaged and there was no deviation and, therefore, the rejection of building application and directing the petitioner to remove unauthorized constructions in the impugned notice is illegal. Learned counsel further submits that building has been constructed and petitioner has also filed application

for regularization. At this stage the same could not be rejected.

4. The facts narrated in the affidavit and the material enclosed to the writ petition would clearly disclose that even though Municipal Corporation has warned the petitioner about the illegal constructions made by him as early as in July, 2014, petitioner went ahead and constructed the house. Whether LRS certificate was required or not is entirely different aspect, but petitioner ought to have persuaded the respondent-corporation to accord approval for the building permission. Without building permission petitioner ought not to have constructed the building. Thus, it is clear from the material on record that without valid permission and in spite of warning given by the respondent-corporation, building was constructed. Thus, it cannot be said that notice impugned in the writ petition is vitiated warranting interference by this Court. I, therefore, see no merit in the writ petition. The writ petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions if any pending in this contempt case shall stand closed.

JUSTICE P.NAVEEN RAO

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