

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

WRIT PETITION No.35424 of 2015

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03.11.2015

Between:

P.Shekar Reddy

.. Petitioner

and

The Greater Hyderabad Municipal Corporation,

represented by its Commissioner, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.A.Abhishek Reddy

Counsel for the respondents: Mr.P.Kesava Rao,

standing counsel for GHMC

(print the name if vakalat filed)

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside the notice, dated 27.10.2015, issued by respondent No.2.

The petitioner pleaded that he has constructed a building with ground plus two upper floors at Nallakunta, Hyderabad, under the building permission. But, he has added pent house, which is not covered by the building permission. It is his pleaded case that an application for regularization of the unauthorized structure under the Building Penalization Scheme (BPS) was made by him and the same is pending. The grievance of the petitioner is that even before disposing of the said application, respondent No.2 has issued the impugned notice under Section 452(2) of the Hyderabad Municipal Corporation Act, 1955.

On 02.11.2015, this Court has adjourned the case to today to enable the learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC) to report instructions on the stage of the petitioner's application for regularization under the BPS and whether he has added any further construction in addition to the construction in respect of which he has filed the application for regularization.

Today, at the hearing, the learned standing counsel for GHMC, on instructions, submitted that the petitioner's application for regularization has not been considered in view of the fact that he has added another temporary structure, without permission, adjacent to the pent house, after filing of the application for regularization. He has, however, undertaken that the respondents will dispose of the petitioner's application within one month from today.

Inasmuch as the petitioner's application for regularization is pending, it is not appropriate for the respondents to take action for removal of the unauthorized constructions till disposal of the said application. In this view of the matter, the proposed action initiated by the respondents is deferred till the petitioner's application under the BPS is disposed of and the respondents are directed to dispose of the said application within a period of one month from the date of receipt of a copy of this order. The further action in pursuance of the impugned notice shall depend upon the outcome of the BPS application.

With the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.45516 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

03rd November, 2015

GHN