

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

WRIT PETITION NO.25799 of 2015

Between :

Smt. Vazirani Mohini Haresh W/o.Harish Vazirani,
Aged about 50 yrs, Occu : Business,
R/o.H.No.9-4-116/26, Balreddy Nagar, Tolichowki,
Hyderabad & another.

.. Petitioners

and

The Zonal Commissioner,
West Zone, Greater Hyderabad Municipal Corporation,
Circle-XI, Serlingampally, Hyderabad & another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 18.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioners were granted building permission on 06.08.2014 for construction of ground + first floor in premises bearing Municipal No.2-62/1/P/4 in Plot No.8 & 10 in Sy.No.136, Gachibouli Village, Serlingampally Mandal, Ranga Reddy District. According to the petitioners, they have undertaken construction in accordance with the building permission granted to them. However, some Organization claimed to be Telangana Sena, complained against the petitioners alleging that there is a drinking water pipe line going through the subject property and no construction can be taken up, which may result in damage to the said water pipe line during the construction or afterwards and also the petitioners have encroached on to the public road. In response to the said allegations, a show cause notice was issued to the petitioners on 20.06.2015 granting only two days time for submitting their explanations and immediately on 26.06.2015 orders were passed canceling the building permission earlier granted. Aggrieved thereby this writ petition is filed.

2. Learned counsel for the petitioners contend that the petitioners were not aware of the show cause notice issued. On account of the pendency of PIL.No.122 of 2015 the construction activity is stopped at the site and the petitioners were prosecuting the said PIL. Therefore, they were not aware of the notice being sent to the site and being pasted and by the time the petitioners came to know of the same, impugned orders are passed canceling the building permission.

3. Learned Standing counsel submits that as the petitioners refused to receive the notice, the same was pasted in RCC column on 20.06.2015 in the presence of independent witnesses and photographs were also taken. On such pasting, the petitioners did not respond to the notices issued. Hence, the impugned order was passed on 26.06.2015 cancelling the building permission earlier granted to the petitioners. Therefore, he supports the impugned action of the respondents.

4. Alleging illegal action on the part of the respondent-authorities in granting building permission, which would be affecting the water pipe line, the Telangana Sena filed PIL.No.122 of 2015. When the said PIL was taken up for consideration, learned Standing Counsel informed the Court that already the building permission was cancelled. Recording the same, the PIL was closed.

5. As seen from the notice issued, the allegation is that the petitioners are undertaking construction on the site where a water pipe line is passing through. They have also noticed, that as per the complaint given to the Corporation, the petitioners encroached the road affected portion of 1.21 meters/4 feet. If the petitioners have sufficient material to disprove the allegations in the show cause notice, they should have responded by filing their explanations or asking some more time, if it is not possible to them to submit their explanations. But there is no justification on the part of the petitioners to keep quiet. Even according to the statement of the petitioners made in the affidavit filed in support of this writ petition, the petitioners were conscious that there is an underground water pipe line running through the property and that the same was brought to the notice of the authorities.

6. *Prima-facie*, I do not see any illegality in the manner in which the proceedings were issued by the respondent-Corporation. The petitioners have to blame themselves, against their silence in not responding to the notice issued to them. However, to give one more

opportunity, this writ petition is disposed of, granting liberty to the petitioners to submit their explanations to the Deputy Commissioner, Circle-XI, Serlingampally, Hyderabad (2nd respondent), within three (3) days from today. On submission of such explanation, the 2nd respondent shall consider the same and pass appropriate orders within a period of one week thereafter. If the 2nd respondent is convinced with the explanations given by the petitioners, he shall revoke the order dated 26.06.2015.

7. With the above observations, this 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

18th August, 2015.

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