

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

WRIT PETITION No.37059 of 2015

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16.11.2015

Between:

Satnam Singh and others

.. Petitioners

and

The State of Telangana,

represented by its Principal Secretary,

Municipal Administration and Urban Development Department,

Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.B.Chinnapa Reddy

Counsel for respondent No.1: Assistant Government Pleader

Municipal Administration and Urban Development (TS)

Counsel for respondent No.5: Assistant Government Pleader for Revenue (TS)

Counsel for respondent Nos.2 to 4: --

Counsel for respondent No.6: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent Nos.2 and 3 in entertaining the application of respondent No.6 for regularization of the illegal constructions of two upper floors under the Building Regularization Scheme as illegal and arbitrary.

The petitioners, who are the flat owners of the apartments called SAM Luxury Homes, appear to have a legitimate grievance against respondent No.6 for raising two upper floors unauthorizedly without their consent and taking asylum under the benevolent gesture of respondent No.1 in coming out with regularization scheme by framing Rules and notified under G.O.Ms.No.152, Municipal Administration & Urban Development (M1) Department, dated 02.11.2015. As for the moment, this Court is not concerned with the validity of these Rules *qua* the public interest, it refrains from expressing any opinion thereon. However, respondent Nos.2 and 3 would do well to understand the agony of the petitioners and consider their grievance before taking a final decision on the application of respondent No.6 for regularization of the unauthorized constructions.

The petitioners are, therefore, permitted to make a detailed representation to

respondent Nos.2 and 3 within a period of two weeks from today. On receipt of such representation, the said respondents shall issue notices to the petitioners as well as respondent No.6, give them the opportunity of personal hearing, take a decision whether the application filed by respondent No.6 falls within the strict parameters of G.O.Ms.No.152, dated 02.11.2015, and communicate the same to the petitioners as well as respondent No.6 before finally deciding on the latter's application for regularization.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.47715 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

16th November, 2015

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