

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

**WP No.24097 of 2015**

Between:

Mohd. Imran

...Petitioner

And:

The State of Telangana, rep. by its  
Principal Secretary, Municipal Administration  
& Urban Development, Hyderabad & others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

**SUBMITTED FOR APPROVAL:-**

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

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

**HON'BLE SRI JUSTICE P.NAVEEN RAO**

**Writ Petition No.24097 of 2015**

**ORDER:**

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The petitioner claims to be the owner and possessor of the residential house municipal bearing No.8-2-310/A/67/1, Road No.10, Banjara Hills, Hyderabad, admeasuring 100 sq. yards in Sy.No.403. The petitioner claims to have undertaken the construction of the building without obtaining any permission from the respondents, since

the size of the plot is in around 100 sq. yards and therefore, he did not apply for permission. However, a show cause notice was issued by the respondents on 04.07.2015 calling upon the petitioner to submit the explanation as to why further action should not be taken against him. It was alleged that the petitioner has violated the provisions of Section 428 and 433 of the Hyderabad Municipal Corporation Act, 1955 and G.O.Ms.No.168, Municipal Administration, dated 07.04.2012, Building Bye-laws and Zoning Regulations of 1981. The petitioner submitted his explanation on 24.07.2015. Meanwhile, the staff of the 4<sup>th</sup> respondent came to the premises and demolished part of the premises and warned him not to make further construction. The petitioner challenged the said notice dated 04.07.2015 on the ground that in terms of the provisions contemplated in the HMC Act and also the procedure notified by G.O.Ms.No.423, Municipal Administration and Urban Development dated 31.07.1998, if the plot size is less than 100 sq. yards, no permission is required. Therefore, the petitioner has not violated any Rules or Regulations by constructing the building since the construction is in and around 100 sq. yards.

2. As seen from G.O.Ms.No.423 dated 31.07.1998, though the G.O. prescribes that no permission is required for construction if the plot is in and around 100 sq. yards, but it mandates certain conditions. As per para (a) sub-para (ii), it is mandatory for the owner of the property to submit the copies of drawings of proposed building, copies of the ownership and building plan, before undertaking the construction. According to the petitioner, he did not apply for building permission. Thus, it cannot be said that the show cause notice was issued without any jurisdiction or without competency. Learned standing counsel for the respondents contend that G.O.Ms.No.423 dated 31.07.1998 is in force subject to the procedure notified by the Building Bye-laws and Zoning Regulations of 1981.

3. Be that as it may, since it is only a show cause notice and the

petitioner has already filed his explanation, this court is not inclined to entertain this writ petition at this stage. It is needless to observe that after passing of appropriate orders by the respondents as warranted by law consequent to the show cause notice dated 04.07.2015, the petitioner is at liberty to take appropriate course of action thereon.

4. The writ petition is dismissed accordingly. Pending miscellaneous petitions, if any, in this writ petition, shall stand dismissed in consequence. No order as to costs.

***P. NAVEEN RAO, J***

Date: 03.08.2015  
BSS

**HON'BLE SRI JUSTICE P.NAVEEN RAO**

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**Writ Petition No.24097 of 2015**

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Date: 03.08.2015

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