

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.30821 OF 2011

ORDER

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The case of the petitioner is that he is owner and possessor of a plot bearing No.70 (part) admeasuring 300 sq.yards in Sy.No.66/3, Ward No.3, block No.11 situated at Shiva Ganga Colony, Mansurabad Village, Saroornagar Mandal, R.R.District having purchased the same through registered sale deed dated 23.12.2005. Thereafter, the petitioner filed an application for regularisation of an unapproved layout by paying Rs.1,09,463/- towards the charges by way of demand drafts, which was considered and regularisation proceedings vide L.R.S.3020/CR-3/East Zone/G.H.M.C/2008, dated 07.04.2010 were issued. Subsequently, when the petitioner applied for building permission, the same was accorded to the petitioner by the 2nd respondent through proceedings No.G2/BP/47/2010 by receiving necessary charges and the same is valid upto 10.05.2013. While so, on 08.07.2010, the 1st respondent issued notice to the petitioner under Section 452 of Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') alleging violations of the provisions and unauthorised constructions in Plot No.77 in Sy.No.69 which does not belong to the petitioner. Thereafter, the 2nd respondent issued orders under Section 452(2) of the Act, through its orders No.32/BC/09/2011, dated 14.11.2011 for removal of illegal and unauthorised constructions. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the respondents stating that when GHMC officials enquired about the unauthorised constructions, the neighbours informed the plot number as 69 and that it belongs to the petitioner. As such, they have issued notices under section 452 of the Act on 08.07.2010 and 14.11.2011 to the right person.

When the matter is taken up for hearing, learned Standing

counsel for respondents produced fresh notice issued under Section 452(1) and 461(1) of the Act on 06.07.2015 issued to the petitioner in respect of plot No.70.

Since the fresh notice has been issued in respect of plot No.70 under Section 461(1) of the Act, which the petitioner has not disputed, it is open for the petitioner to file explanation to the same as per the time fixed in the notice and thereafter, the respondents shall take appropriate action. Till then, status-quo obtaining as on today shall be maintained. If the explanation is not filed within the time specified in the notice, it is open for the respondents to take appropriate action in accordance with law.

With the above direction, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 09.07.2015
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