

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

WRIT PETITION NO.14326 of 2015

Between :
B.Satyanarayana

.. Petitioner

and

The State of Telangana , Municipal
Administration and Urban Development Department,
Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 11-08-2015

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 ?

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.14326 of 2015

ORDER:

The petitioner claims to be the owner of the property bearing Municipal No.7-45, old Malkajgiri. Since the house was very old and dilapidated condition, the petitioner claims to have demolished and under taken reconstruction of a new house. At this stage, because of filing W.P.No.8364 of 2015 by the 4th respondent herein, the respondent-authorities were interfering with the possession and enjoyment and construction and efforts are being made to demolish the part of the construction already made. Aggrieved by the said action of respondent-Municipal Corporation

in seeking to demolish the construction already made, this writ petition is filed.

In view of the complaint given by the 4th respondent herein on 05-03-2015, an inspection was conducted by the respondent-Municipal Corporation. Having found that the petitioner was undertaking illegal construction, a notice under Section 461 of Greater Hyderabad Municipal Corporation Act, 1955 (for short “ the Act) and a notice under Section 452 of the Act was issued on 28-04-2015. At this stage, the respondent-Municipal Corporation also stated to have removed the structure made except three pillars.

Learned counsel for the petitioner submits that the petitioner having realized, due to mistake and oversight, he did not apply for building permission, he submitted an application for grant of permission. Learned counsel, however, submits that the petitioner is not in unauthorized occupation of public road and he is interested in constructing house within 121 square yards of property belonging to him bearing H.No.7-45 of Old Malkajgiri.

Having regard to the fact that the petitioner has submitted an application for grant of building permission on 08-07-2015 and if only building permission is granted, he undertakes to construct in the property belonging to him and to the extent he is entitled to construct, the writ petition is disposed of directing the respondent-Municipal Corporation to consider the said application and pass appropriate orders as warranted by law within three weeks from the date of receipt of this order. Until further orders are passed by the respondent-Municipal Corporation, the petitioner shall not undertake any construction and shall maintain status-quo obtaining as on today. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

P.NAVEEN RAO, J

11-08-2015
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