

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40393 of 2015

Date:14.12.2015

Between:

The Arvind Vihar Apartment Flat
Owners Welfare Society, Hyderabad,
reptd by its Vice-President-
P.L.G.Bharadwaj

..... Petitioner

And:

The State of Telangana, reptd., by its
Principal Secretary, Municipal Admn. Department,
Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Mr. Palle Nageswara Rao
For Mrs. S.Rama Subadra

Counsel for Respondent No.1: AGP for Municipal Admn. (TS)

The Court made the following:

ORDER:

The Welfare Association of an apartment called 'The Arvind Vihar Apartment' filed this Writ Petition feeling aggrieved by the abject indifference of the Greater Hyderabad Municipal Corporation (for short 'the GHMC') to their grievance that respondent No.3 has raised a pent house, without any permission, in the year 2007 itself.

At the hearing, Mr. P.Kesava Rao, learned Standing Counsel for the GHMC, on instructions, submitted that on 21.5.2009, the officials of the GHMC have issued a notice to respondent No.3 calling for details regarding the permission, etc., pertaining to construction of pent house and that no such details were furnished by the latter. He is, however, unable to state as to what further action was taken by the GHMC thereafter.

In my opinion, the GHMC has failed to discharge its statutory duty of taking action against the illegal construction. It is not expected to show its supine indifference at least, after the alleged illegal construction was brought to its notice by the petitioner.

The learned Standing Counsel for the GHMC has assured that the latter will take immediate action in accordance with law and complete the process within one month from the date of receipt of a copy of this order.

In the light of this assurance given by the learned Standing Counsel, the Writ Petition is disposed of, however, with the observation that before any steps for removal of the alleged illegal constructions are taken, the Corporation shall follow due process of law which includes issuing the notices as required under Sections-452, 461 and 636 of the Greater Hyderabad Municipal Corporation Act, 1955.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.52148 of 2015 filed by the petitioner for interim relief is disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

14th December, 2015

DR