

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

WRIT PETITION Nos.25406 and 25407 of 2013

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07.12.2015

W.P.No.25406 of 2013:

Between:

M.Chandrasekhar Rao and another .. Petitioners

and

The Greater Hyderabad Municipal Corporation, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.P.Raghavender Reddy

Counsel for respondent Nos.1 to 3: Mr.Sampath Prabhakar Reddy
standing counsel for the Greater Hyderabad Municipal Corporation

Counsel for respondent No.4: Mr.D.Jagan Mohan Reddy for Mr.Harender
Pershad

W.P.No.25407 of 2013:

Between:

T.Vanaja and others

.. Petitioners

and

The Greater Hyderabad Municipal Corporation, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.P.Raghavender Reddy

Counsel for respondent Nos.1 to 3: Mr.Sampath Prabhakar Reddy
standing counsel for the Greater Hyderabad Municipal Corporation

Counsel for respondent No.4: Mr.D.Jagan Mohan Reddy for Mr.Harender
Pershad

The Court made the following:

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COMMON ORDER:

These two writ petitions are filed with the common grievance, viz., that though the appeals filed against the orders rejecting the petitioners' applications for regularization under the Building Penalization Scheme are pending, notices under Sections 451, 461 and 636 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') have been issued.

A perusal of the notices, dated 28.08.2013, issued under Section 636 of the Act, shows that it is stated therein that the appeals filed by the petitioners will be considered, provided they have paid the necessary charges and submitted the documents as specified in Rule 3.

Mr.Sampath Prabhakar Reddy, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent Nos.1 to 3, submitted that as the petitioners have not paid the necessary charges, their appeals are not considered.

In my opinion, when a remedy of appeal is provided to a citizen, the same shall be disposed of as per the procedure prescribed for such disposal. If the petitioners have not paid the necessary charges, the appeals are liable to be rejected or for any valid reason, if the appellate authority feels that the appeals are to be rejected, specific orders have to be passed and communicated to the appellants/petitioners herein. Admittedly, this procedure has not been followed by the appellate authority in the instant cases. When the appeals are filed against rejection of regularization applications, the official respondents are unjustified in demolishing the buildings of the

petitioners even before disposal of such appeals.

In the above view of the matter, the Committee constituted by respondent No.1 Corporation for disposal of the appeals filed by the petitioners shall dispose of the said appeals within a period of two weeks from the date of receipt of a copy of this order, after notice to the petitioners. Further action for demolition of the buildings of the petitioners shall depend upon the result of the appeals.

Subject to the above directions, these Writ Petitions are disposed of.

As a sequel to disposal of these writ petitions, W.P.M.P.No.31343 of 2013 in W.P.No.25406 of 2013 and W.P.M.P.No.31344 of 2013 in W.P.No.25407 of 2013 shall stand disposed of and W.V.M.P.No.2172 of 2014 in W.P.No.25406 of 2015 and W.V.M.P.No.2156 of 2014 in W.P.No.25407 of 2013 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

07th December, 2015

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