

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

WRIT PETITION NO.38651 OF 2015

DATED:27-11-2015

Between:

B. Ashok Reddy ... Petitioner

And

The State of Telangana

Rep. by its Principal Secretary

Municipal Administration Department

Secretariat

Hyderabad

and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. M.V. Swamy

COUNSEL FOR RESPONDENT NO.1: G.P. for Municipal Administration (TS)

THE COURT MADE THE FOLLOWING:

ORDER:

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The petitioner, who has admittedly started construction without even submitting an application for sanction of building permission, filed this writ petition against notice dt.29.10.2015 issued under Section 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955, wherein respondent No.3 has stated as under:

*“You are hereby directed to furnish the ownership documents and sanction plan and stop the further construction work for verification.”*

Learned counsel for the petitioner while candidly admitting that by the time the impugned notice was issued, his client has not even made an application for building permission and after receipt of the said notice he has submitted his application, however, submitted that the property has already been assessed by the Municipal Corporation.

In my opinion, mere assessment of the property will not lend legitimacy to the building constructed without building permission. The notice issued by respondent No.3 does not suffer from illegality as he has merely called upon the petitioner to produce the ownership documents as well as the sanctioned plan and stop further construction of work pending verification. If the construction being raised by the petitioner is legal, he can always approach respondent No.3 by producing necessary documents and satisfy him in this regard.

Subject to the liberty given to the petitioner as above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.49798 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

27-11-2015

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