

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

WRIT PETITION NO. 25409 of 2015

Between :

M/s. Maheshwari Megaventure Ltd

8-2-608/35 and 36, Gaffar Khan Colony

Road No. 10, Banjara Hills,

Hyderabad

.... Petitioner

And

GHMC, Tank bund road,

Rep by its Commissioner and others

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 13.8.2015

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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 may : / No

Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : / No

To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : / No

Copy of the Judgment ? :

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 25409 of 2015

ORAL ORDER:

Petitioner herein is developer and claims to have obtained building permission on plot Nos. 1 to 4, 6A, 6B and 7 to 13, Nagarjuna Circle Junction, road No.1 and 3 junction, Banjara Hills, Hyderabad. According to petitioner, it has undertaken

construction of a multi storied building strictly in accordance with building permission granted. While so, suddenly on 11.8.2015 employees of the municipal corporation visited the premises and started indulging in demolition of the structures already made. Aggrieved thereby, this writ petition is filed.

2. According to learned counsel for petitioner, no notice was served on the petitioner before taking the coercive action against petitioner and if notice is served on petitioner, it would have given satisfactory explanation of the nature of the constructions undertaken, in accordance with permission granted to it.

3. On instructions, Sri P.Keshav Rao learned standing counsel for respondent corporation submits that there are deviations made by the petitioner in undertaking the construction and said deviations are critical and cannot be permitted. However, as fairly submitted by the learned standing counsel, so far no notices are issued in accordance with provisions contained in Greater Hyderabad Municipal Corporation Act (for short the Act) on the petitioner and that the coercive action shall be taken only after following the due procedure.

4. Having regard to the submission made, writ petition is disposed of directing the respondent municipal authorities not to interfere with the construction activity, unless the respondent corporation takes appropriate course of action in accordance with provisions contained in Act by putting the petitioner on notice and giving due opportunity of hearing to petitioner. Further, petitioner shall ensure that the construction is made strictly in accordance with building permission granted. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:13.8.2015

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HONOURABLE SRI JUSTICE P. NAVEEN RAO

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WRIT PETITION No. 25409 of 2015

Date: 13.8.2015

