

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22886 OF 2009

ORDER:

This writ petition is filed challenging the proceedings in ROC.No.G3/5207/2000, dated 11.09.2009, issued under Section 636 of the Hyderabad Municipal Corporation Act, 1955 (*for short 'the HMC Act'*), wherein the petitioner was asked to remove the unauthorised construction within seven days as the petitioner is deemed to have violated the provisions constituted under Sections 428, 429 of the HMC Act.

Learned counsel for the petitioner submits that the petitioner has made an application on 22.04.2000 for construction of a function hall for which the 1st respondent issued proceedings dated 24.06.2000 directing the petitioner to pay planning fee and thereafter the petitioner has paid the said amount and that even the petitioner has paid the amount the 1st respondent has not chosen to pass any orders on the application, as such, the petitioner made construction of function hall and also made an application on 15.07.2008 for regularisation of his construction in pursuance of to the G.O.Ms.No.901, dated 31.12.2007, but, the 1st respondent without passing any orders has issued the impugned notice which is in violation of principles of natural justice. He also submits that the impugned notice was not preceded by any notice.

Smt.Pingali Lakshmi, learned counsel for the 1st respondent submits that the land, wherein the petitioner has constructed a function hall, is earmarked for park.

A perusal of the impugned proceedings does not indicate

that any prior notice was issued to the petitioner which is in violation of principles of natural justice and on the sole ground itself, the impugned proceedings are set aside. Since it is stated that the petitioner has submitted application dated 15.07.2008 before the 1st respondent for regularisation of the building, the 1st respondent is directed to dispose of the said application in accordance with law. However, it is open for the respondents to take action by issuing prior notice if petitioner has committed any violations.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

28.10.2015

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