

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

**MONDAY, THE FIRST DAY OF SEPTEMBER TWO
THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28001 of 2015

Between:

Gurram Veeralakshmi,
W/o. Late Ramarao,
Aged about 61 years,
R/o. 9-6-28, 29 & 30,
Kasba Bazar, Khammam,
Khammam District & 5 others

.. Petitioners

AND

Khammam Municipal Corporation,
Khammam, State of Telangana,
Rep. by its Commissioner

.. Respondent

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28001 of 2015

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ORDER:

Alleging that the petitioners have undertaken construction of third and fourth floors in deviation of the building plan granted to them, which was only for ground plus two upper floors, notice under Sections 452(1) & 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') was issued on 20.08.2015. The notice points out the deviations made. In response to the said notice, the petitioners have submitted representations on 25.08.2015. One of the grounds raised in the representations is that before making the construction of third and fourth floors, the petitioners have submitted revised building application and, accordingly, they have undertaken construction after the expiry of the statutory period of processing of application. However, as an abundant caution, by relying on the provision contained in Section 455-A of the Act, the petitioners have also submitted application for grant of regularization of the illegal construction made.

2. This writ petition is instituted alleging that when a request is made for regularization of illegal construction in accordance with Section 455-A of the Act, the question of taking penal action against the petitioners at this stage does not arise.

3. As seen from the averments and the material papers enclosed to the writ petition, it appears that illegal construction is made contrary to the building permission and, therefore, the impugned notice is issued. *Prima facie*, therefore, there is no illegality in issuing the notice. It is issued in valid exercise of the authority vested in the Commissioner and in consequence to the said notice, explanations are submitted by the petitioners. Thus, at this stage, interference by this Court does not arise. Since the representations of the petitioners are already submitted, it is, but, mandatory for the competent authority to consider those representations and pass appropriate orders, as warranted by law, before taking further course of action in accordance with Sections 452(2) & 636 of the Act.

4. In the facts of this case and as sought for by the learned counsel for the petitioners, the respondent Commissioner shall also afford personal hearing to the petitioners by fixing a date in advance and after hearing them and considering the representations already submitted, appropriate orders, as warranted by law, may be passed within a period of six (6) weeks from the date of receipt of a copy of this order. Till the orders are passed, as directed above, no coercive action shall be taken against the petitioners.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition

shall stand closed.

P.NAVEEN RAO, J

Date: 1st September, 2015

Note: Issue C.C. today.

(B/o.)
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HON’BLE SRI JUSTICE P.NAVEEN RAO

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Date: 1st September, 2015

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