

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

WP No.18876 of 2015

Between:

Gollapalli Kamala

...Petitioner

And:

The State of Telangana, rep. by its
Principal Secretary, Municipal General Administration
& Urban Development Department, Hyderabad
& others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 17.08.2015

SUBMITTED FOR APPROVAL:-

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

1. Whether Reporters of Local newspapers may Yes/No
 be allowed to see the Judgments?
2. Whether the Copies of Judgment may Yes/No
 be marked to Law Reporters/Journals
3. Whether Their Lordship wish to see the Yes/No
 fair copy of the Judgment?

HON'BLE SRI JUSTICE P.NAVEEN RAO

Writ Petition No.18876 of 2015

ORDER:

The petitioner claims to be the owner and possessor of House Plot No.46 (Part) admeasuring 157 square yards, situated beside H.No.3-14-750, out of Sy.No.203/1 of Kumarpally Revenue village, Gundla Singaram (GP), Hanmakonda Mandal, Warangal District. The

petitioner claims to have purchased the said property by way of registered document No.4384/2006 dated 09.05.2006. According to the petitioner, on 13.02.2015 she applied to the 2nd respondent-Corporation for grant of permission for construction of a residential building by paying requisite fee, but the 2nd respondent neither granted permission nor an order was passed rejecting the application. Therefore, the petitioner commenced the construction. While so, on 02.05.2015 the 2nd respondent issued a notice to the petitioner under Section 452 of the Greater Hyderabad Municipal Corporation Act (for short 'the Act') alleging that the petitioner is undertaking unauthorised construction of RCC building with ground floor without obtaining the prior permission from the Municipal Corporation. In response to it, the petitioner filed her explanation on 11.05.2015 and the 2nd respondent passed orders on 01.06.2015 rejecting the explanation and informing the petitioner that further action would be taken in accordance with Section 461(4) and other provisions of the Act. The said order was passed under Section 452(2) of the Act. Challenging the said proceedings, the present writ petition is filed.

2. As seen from the order impugned in the writ petition, it does not reflect the objections filed by the petitioner, though received the same on 11.05.2015 and no reasons are assigned on the objections and simply stated that further action will be taken. When the matter is taken up, learned standing counsel for the 2nd respondent fairly submitted that an opportunity will be provided to the petitioner and the proceedings dated 01.06.2015 may be set aside by remitting the matter to the Municipal Corporation for reconsideration of the issue.

3. Having regard to the facts and circumstances of the case, the writ petition is allowed setting aside the impugned order dated 01.06.2015 of the 2nd respondent and remitted the matter to the 2nd respondent-Corporation for further course of action on the issue

consequent to the explanation submitted by the petitioner on 11.05.2015 pursuant to the notice dated 02.05.2015. The petitioner is also granted opportunity to submit additional explanation/material if so advised within a period of one week from the date of receipt of a copy of this order and after receiving further explanation, if any, from the petitioner, the 2nd respondent-Corporation is directed to consider the material on record along with the additional explanation/material, if any, filed by the petitioner, within a period of four weeks thereafter and pass appropriate orders thereon in accordance with the Rules. Till passing of such final orders by the 2nd respondent, the petitioner shall not proceed with further construction of the building. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed.

P. NAVEEN RAO, J

Date: 17.08.2015
BSS

HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 17.08.2015

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