

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

WRIT PETITION NOs.15821 and 19253 of 2015

W.P.No.15821 of 2015

Between:

Siram Chandra Mohan Rao, s/o. late Purna Chandra Rao,
Aged about 45 years, Occu: Business, R/o.Door No.21-3-5,
Bhavanarushi Pet, Chirala Town and Mandal, Prakasam
District.

.. Petitioner

AND

The State of Andhra Pradesh, rep.by its Principal Secretary,
Municipal Administration, Secretariat Buildings, Hyderabad
and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 23.07.2015

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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 : Yes / No
be allowed to see the Judgments ? :
2. Whether the copies of judgment may be marked: Yes / No
to Law Reporters/Journals :
3. Whether Their Lordship wish to see the fair : Yes / No
Copy of the Judgment ? :

HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION NOs.15821 and 19253 of 2015

COMMON ORDER:

With the consent of the learned counsels for the petitioners and learned counsels for the respondents, these writ petitions are disposed of finally at the admission stage.

2. Petitioner in W.P.No.19253 of 2015 claims to be the owner of house bearing Door No.20-12-70 in Chirala town, Prakasam District. In this writ petition, petitioner challenges the notice issued under Section 217 (1), (2) and (3) of Andhra Pradesh Municipalities Act, 1965 (for short, 'Act, 1965'), as contrary to the scheme formulated by the Government and Rules notified vide G.O.Ms.No.128 Municipal Administration and Urban Development (M1) Department, dated 22.05.2015, which *inter alia* envisages regularization and penalization of illegal constructions made and when such scheme is in force, no coercive action ought to have been taken.

3. During pendency of the above writ petition, petitioner has submitted an application on 06.07.2015 in accordance with the G.O.Ms.No.128 dated 22.05.2015 seeking to grant regularization of unauthorized constructions made by him. According to the petitioner, he was granted permission to construct ground plus first floor, whereas he has constructed ground plus two floors. In other words, one floor is constructed more than the sanctioned plan. Such construction was made in the year 2006.

4. Petitioner in W.P.No.15821 of 2015, who is neighbour of the petitioner in W.P.No.19253 of 2015, alleges deliberate inaction on the part of the municipality in not taking action against unauthorized construction made by the petitioner in W.P.No.19253 of 2015 and not dismantling unauthorized constructions so made even though a notice was issued under Section 217 (1), (2) and (3) of the Act, 1965.

5. Government notified Rules vide G.O.ms.No.128 dated 22.05.2015 in exercise of power under Section 455-AA of Greater Hyderabad Municipal Corporation Act, 1955, penalizing illegal constructions made and to grant regularization on payment of penalty as prescribed therein. In view of the scheme formulated by the Government to grant regularization of illegal constructions made and since petitioner in W.P.No.19253 of 2015 claims to have already submitted application for grant of such regularization, the question of taking penal consequences against petitioner in W.P.No.19253 of 2015 before the application for regularization is disposed of does not arise.

6. Thus, both writ petitions are disposed of directing the municipal authorities to consider the application submitted by the petitioner in W.P.No.19253 of 2015 for regularization of unauthorized construction made, as expeditiously as possible and till the application for such regularization is considered and appropriate orders are passed, respondent municipality shall not take any coercive steps against the petitioner in W.P.No.19253 of 2015.

7. In view of the fact that petitioner in W.P.No.19253 of 2015 has applied for regularization of unauthorized construction made by him in the above house premises and such application is pending, no relief as sought by the petitioner in W.P.No.15821 of 2015 can be granted at this stage. However, if the regularization application of the petitioner in W.P.No.19253 of 2015 is rejected, it is open to the petitioner in W.P.No.15821 of 2015 to pursue his grievance.

Miscellaneous petitions if any pending in these writ petitions shall

stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date : 23.07.2015
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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 23.07.2015

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