

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WEDNESDAY, THE TENTH DAY OF JUNE TWO THOUSAND
AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.16326 of 2015

Between:

Jamuna Devi,
W/o. Kanaram Choudary,
Aged 38 years, Occ: Household,
R/o. House No.4-2-49, VVS School Road,
Savukarpet, Tandur Town,
Tandur Mandal, Ranga Reddy District.

.. Petitioner

AND

The State of Telangana,
Thru its Principal Secretary,
Municipal Administration &
Urban Development Department,
Secretariat, Hyderabad & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16326 of 2015

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ORDER:

Building permission was granted to the petitioner on 16.01.2015. However, having received complaints and report from the Tahsildar, Tandur Mandal, the allegation that the land in Survey No.111 of Tandur Municipality is Government land and without disclosing the true facts, the building permission was obtained, after issuing notice and consideration of explanation, orders were passed on 29.05.2015 cancelling the earlier permission granted on 16.01.2015. Aggrieved thereby, this writ petition is instituted.

2. Learned counsel for the petitioner made extensive submissions on merits against the action taken by the respondent Municipality contending that the petitioner has valid title and the land in issue is not a Government land. However, it is to be noted that as per the provision contained in Section 345 of the Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), against an order passed by the competent authority under Section 344 of the Act, appeal shall lie to the Municipal Council and such appeal was not exhausted. Learned counsel for the petitioner submits that since building permission is cancelled and since the petitioner has already undertaken construction of the building to a

great extent, the petitioner has invoked the jurisdiction of this Court without exhausting the remedy of appeal, as there is threat of demolition of the structures made.

3. Having regard to the fact that an appeal is provided against orders of the Commissioner, Municipal Council, Tandur, under Section 344 of the Act, at this stage the writ petition is not maintainable and the petitioner shall have to avail the remedy of appeal available to her under Section 345 of the Act. However, having regard to the apprehensions expressed by the learned counsel for the petitioner, while granting liberty to the petitioner to prefer appeal and for the appellate authority to consider the appeal by giving due opportunity to the petitioner, it is ordered that no coercive steps shall be taken till the appeal is decided by the appellate authority. It is also open to the petitioner to pray for interim suspension of the order of the Commissioner, Municipal Council, Tandur, and until orders are passed on such interim application, granting suspension of orders of the Commissioner or if appellate authority does not grant favourable orders on interlocutory application, the petitioner shall not take up any further construction.

4. 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: 10th June, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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