

**THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**WRIT PETITION Nos.892 and 5920 of 2015**

**COMMON ORDER:**

W.P.No.892 of 2015 is filed by one B. Ashok Reddy, seeking a direction to the Greater Hyderabad Municipal Corporation and its Zonal Commissioner to demolish the illegal constructions alleged to have been made in Plot No.1-98/5 in Sy.No.86 at Madhapur Village, Hyderabad. According to the petitioner, the 4<sup>th</sup> respondent namely Dr. Rohini, who is the owner of the above plot, having obtained permission for construction of a building consisting of ground plus two upper floors, constructed the building with cellar and five upper floors in deviation of the sanctioned plan and let out the same to MBR Educational Society and that the said society is running a school by name Global Edge School in the subject premises. He further contends that in view of running a school in the residential locality, a lot of inconvenience is being caused to the residents of the locality and that the school is plying about 100 buses for transportation of its students, causing severe traffic jam in the locality everyday, besides sound and air pollution. The petitioner states that though he and other residents of the locality brought to the notice of the authorities of the Corporation about the illegal construction of the subject building and the problems being faced by them on account of running of school therein, no action has been taken by them. Therefore, he filed the writ petition seeking direction to the authorities of the Corporation as stated above.

While the matter stood thus, the Deputy Commissioner of the Corporation issued show-cause notice dated 23.02.2015, under Sections 452(1) and 461(1) of the Hyderabad Municipal Corporation Act, 1955, directing the owner and occupant of the subject building to show cause as to why the alleged unauthorized constructions shall not be removed. Challenging the same, the MBR Educational Society and its Secretary filed W.P.No.5920 of 2015. It is their case that the lease in their favour exists till 30.04.2016 and at the time of entering into lease agreements, the owner of the building assured that the constructions will be regularized. It is their further case that they have been running the school in accordance with the rules and regulations framed by the Board of School Education, having invested huge amounts, and the owner of the building, with an intention to lease out the premises

to other commercial establishments, colluded with the residents of the area and got filed W.P.No.892 of 2015. They further stated that about 700 students are studying in their school and admissions for the new academic year of 2015-2016 were also over and hence, shifting of the school to new premises at this stage would disturb the academic schedule of the students and hence, in the interest of the children, they should be permitted to continue in the subject premises till the expiry of lease in their favour i.e. till 30.04.2016.

After advancing arguments at length on 17.04.2015, having regard to the fact that the interest of school children is involved and their studies would be disturbed if the school premises is shifted at this juncture, learned counsel on either side arrived at an agreement that the petitioners in W.P.No.5920 of 2015 shall vacate the premises by the end of April 2016, without seeking any further extension, and that they shall also file an undertaking that they will not cause any inconvenience to the neighbours of the school run by them and will regulate the plying of buses.

Accordingly, the 2<sup>nd</sup> petitioner in W.P.No.5920 of 2015 filed affidavit dated 18.04.2015, undertaking to shift the school from the subject premises to new premises by 30<sup>th</sup> April, 2016 and also not to cause any inconvenience to the neighbours in the locality.

In the above facts and circumstances of the case, the aforesaid undertaking is placed on record and the writ petitions are disposed of, directing the petitioners in W.P.No.5920 of 2015 to strictly abide by the undertaking and not to cause any inconvenience to the locality people and also regulate the plying of buses. It is further directed that the petitioners in W.P.No.5920 of 2015 shall not be dispossessed from the subject premises till 30.04.2016 and thereafter, the respondent authorities can proceed further in accordance with law.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

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**A. RAJASHEKER REDDY, J**

21<sup>st</sup> April, 2015

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