

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4789 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in straightaway partly demolishing the slab of Plot No.3 Part, admeasuring 184 Sq.ys., in survey No.10(part), situated at Hakeemabad Colony, Saheb Nagar Khurd Village, L.B.Nagar Circle, Hyderabad, without issuing any notice and without following due process of law, as illegal and arbitrary.

The case of the petitioner is that he raised columns to an extent of 60 sq. ys. out of 232 sq. ys. of the subject property and also laid slab in the month of January, 2015. While so, on 02.02.2015, the officials of the respondent Corporation came to the subject land and damaged the slab partly on the ground that the subject property comes under FTL (Full Tank Level). He further submits that in the year 2006, when the erstwhile L.B.Nagar Municipality tried to remove the structures allegedly made in FTL of Mansoorabad Pedda Cheruvu, batch of writ petitions were filed before this Court and this Court after calling for inspection report and after considering all the material available on record, pleased to allow the batch of writ petitions i.e.WP.No.5216 of 2006 and batch by order dated 17.10.2014.

The petitioner further submits that subject plot has been regularized by the respondent Corporation and that as per G.O.Ms.No.423, dated 31.07.1998, no prior permission is required to be obtained for construction of building within a plot of 100 sq.mts. He also states that though he started construction of building in plot within 60 sq. ys., for which no permission is required, the respondent-Corporation without issuing any notice

and without following due procedure has damaged the slab partly.
Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Ms.A.Deepthi, learned Standing Counsel for respondent Corporation submits that the respondent authorities will follow due procedure before taking any action against the petitioner's property.

In view of the above submission made by the learned Standing Counsel, there shall be a direction to the respondent-Corporation not to demolish the petitioner's property without following due process under law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

10.03.2015
tk.

