

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

WRIT PETITION NO.18981 of 2015

Between :

Sandineni Laxmi W/o Prabhakar Rao
R/o H No. 2-9-579/1-1
Laxminagar Waddepally,
Hanamakonda, Warangal dist

.... Petitioner

And

Greater Warangal Municipal Corporation
Rep by its Commissioner,
Warangal and another

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 4.8.2015

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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 : / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : / No
To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : / No
Copy of the Judgment ? :

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 18981 of 2015

ORAL ORDER:

Petitioner claims to be owner of plot admeasuring 158.66 sq yards bearing H No. 2-9-579/1-1, Laxminagar, Waddepalli, Hanamakonda, Warangal district . In June, 2014 petitioner submitted an application for grant of permission for construction of ground plus first floor. However, no orders were passed on the said application within 30 days and petitioner has commenced the construction and completed the same. Petitioner challenges the notice dated: Nil--May,2015 referring to the earlier notices issued and issuing notice under Section 636 of Hyderabad Municipal Corporation Act, (for short the Act) directing the petitioner to remove the unauthorized constructions made.

2. Learned counsel for petitioner submits that availing the benefit of regularization as provided by the State, petitioner submitted an application for regularization of unauthorized constructions on 24.6.2015 and same is pending consideration. He further submits that what is alleged against the petitioner is deviations insofar as leaving set backs but petitioner has not constructed any extra floor than what he has applied in his permission application. Learned counsel for petitioner therefore contends that when the building regularization application is pending, without passing any orders on the said application,

no action can be initiated under Section 452, 452 (1), 452 (2) and 636 of the Act and no coercive steps can be taken.

3. Learned standing counsel for respondent corporation submits that petitioner made illegal constructions even before his application for grant of building permission was processed and having noticed the same, notice under Section 451 (1) of the Act was issued on 9.6.2014 and served on the petitioner and as there was no response, notice under Section 452 of the Act was issued on 16.7.2015 and was served on the petitioner but there was no response. Having waited for considerable time, notice under Section 636 of the Act was issued on 14.8.2014 directing the petitioner to remove the

unauthorized constructions made and same was served on the petitioner on 14.8.2014 itself. While so, petitioner has completed the constructions without responding to the notices issued to him. On 29.1.2015 application of the petitioner for grant of permission was rejected and same was also served on petitioner on 30.1.2015. Referring to the above notices, learned standing counsel submits that all the procedures as required under the Act were followed pointing out the illegal constructions made and there is no illegality in the impugned notice. Learned standing counsel submits that impugned notice is only in consequence to the notice issued on 14.8.2014 and there is no illegality in issuing the same.

4. Admittedly application of the petitioner for permission was rejected on 29.1.2015. Though it appears that petitioner was ignoring the notices issued to him, there is laxity on the part of the respondent corporation also. After 14.8.2014 no further action was taken for almost one year till further notice was issued in May, 2015. Be that as it may, since petitioner has completed the construction long ago and submitted application for regularization, the writ petition is disposed of directing the respondent corporation to consider the building regularization application submitted by the petitioner and take appropriate decision in the matter, as expeditiously as possible and till such a decision is taken, respondent corporation shall not take any coercive steps against the petitioner. No costs. Consequently, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:4.8.2015
TVK

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Date : 4.8.2015