

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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

TUESDAY, THE SECOND DAY OF JUNE TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.15260 of 2015

Between:

Smt. Samineni Vijaya Kumari,
W/o. Venkateswar Rao,
Aged 46 years, Occ: Household,
R/o. H.No.6-2-122/D, Jammibanda,
Khammam, Khammam District.

.. Petitioner

AND

State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad & another

.. Respondents

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15260 of 2015

ORDER:

With the consent of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration for the 1st respondent and the learned Standing Counsel for the 2nd respondent, this writ petition is disposed of at the admission stage.

2. The petitioner claims to be the absolute owner and in peaceful possession of Plot bearing No.25, admeasuring 296.27 square yards in Survey No.235/E, situated at Khanapuram Haveli, Khammam Urban (M), Khammam District, having purchased the said property in the year 2003. The petitioner applied for grant of permission for construction of residential house with ground plus two floors to the respondent Municipality and the same was granted on 07.04.2015. Alleging that there was a short fall of charges payable, the petitioner was demanded to pay an amount of Rs.2,94,570/-, which was paid on 11.05.2015. While so, on 18.05.2015, intimation was given to the petitioner directing her to obtain No Objection Certificate from the Irrigation Department on the ground that information received would show that the property is falling within the Full Tank Level of Lakaram Tank of Khanapuram (H) Village. Aggrieved thereby, this writ petition is instituted.

3. Learned counsel for the petitioner submits that no prior notice was given to the petitioner before issuing such direction; that the view expressed by the respondent Corporation that the proposed building site is coming within the Full Tank Level is not correct; and once permission was granted for construction of building, the respondent Corporation has no competence to issue such notices.

4. If the area comes within the Full Tank Level of Lakaram Tank, no civil construction can be undertaken. Whether the proposed building site is coming within the Full Tank Level or not, is a matter require consideration by the respondent Corporation.

5. Having regard to the submission made by the petitioner that no notice was issued to the petitioner before asking her to stop the construction work and directing her to obtain No Objection Certificate from the Irrigation Department, the Writ Petition is disposed of granting liberty to the petitioner to submit detailed explanation to the said Memorandum to the Municipal Corporation of Khammam, Khammam District (2nd respondent). The second respondent Corporation is directed to furnish all the information available with the

Corporation based on which, the said intimation, dated 18.05.2015, was issued, afford personal hearing to the petitioner and pass appropriate orders, as warranted by law. The entire exercise shall be completed within a period of three (3) weeks from the date of receipt of explanation by the petitioner. Till the final orders are passed, the parties are directed to maintain *status quo* obtaining as on today in respect of Plot bearing No.25, admeasuring 296.27 square yards in Survey No.235/E, situated at Khanapuram Haveli, Khammam Urban (M), Khammam District. 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: 2nd June, 2015

Note: Issue C.C. in two (2) days.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 2nd June, 2015

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