

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.463 of 2015

Date: 21-01-2015

Between:

M. Sai Kumar

.. Petitioner

AND

The State of Telangana, represented by its Principal
Secretary, Municipal Administration, Hyderabad and
3 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.463 of 2015

ORDER:

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The writ petition is filed for a mandamus declaring the action of the respondents 3 and 4 in issuing notice vide Notice No.32/TPS/W.No.9/CIR-18/ NZ/GHMC/2015 in terms of Section 452 (1) and 461 (1) of Greater Hyderabad Municipal Corporation Act on 07-01-2015 as illegal and arbitrary and for a consequential direction to set aside the same.

2. The case of the petitioner is that he purchased a house property at Regimental Bazar vide a registered sale deed bearing No.72/15 on the file of Sub-Registrar's Office, Maredpally for a valuable sale consideration to an extent of 92.58 square yards and with intent to make constructions, he approached the respondents 3 and 4 for grant of sanction for construction, but the respondent authorities informed him that since the property is less than 100 square yards, prior sanction is not necessary, as such, he raised

constructions up to second level from past two months. Thereafter, the respondents 3 and 4 issued impugned notice bearing No. 32/TPS/W.No.9/ CIR-18/NZ/GHMC/2015 in terms of Section 452 (1) and 461 (1) of Greater Hyderabad Municipal Corporation Act on 07-01-2015 stating that he made certain violations, pursuant to which, he submitted his explanation on

09-01-2015, but no orders are passed thereon. In the meanwhile, the respondents are trying to demolish the structures made in the petitioner's site. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

4. Since the petitioner has already submitted his explanation on 09-01-2015 to the show cause notice dated 07-01-2015, it is for the 3rd respondent to consider and pass appropriate orders.

5. In view of the same, the 3rd respondent shall consider the explanation submitted by the petitioner dated 09-01-2015 and pass appropriate orders thereon in accordance with law, as expeditiously as possible, preferably within a period of three (3) weeks from the date of receipt of a copy of the order. Till then, there shall be stay of demolition. The petitioner may also submit further explanation, if any, which shall be taken into account by the 3rd respondent. The 3rd respondent is further directed to furnish necessary documents as requested by the petitioner. In case the 3rd respondent fails to consider and pass orders within the stipulated period as directed above, the petitioner is entitled to make further construction as per law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 21-01-2015

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