

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9245 OF 2015

ORDER:

This writ petition is filed seeking *Writ of Mandamus* declaring the action of the respondent authorities in threatening to demolish the structures made in premises bearing H.No.8-4-544/25/4 and 8-4-544/25/5 situated at B.Shankarlal Nagar, Erragadda, Yousufguda, Hyderabad, without issuing notice and without following procedure contemplated under law, as illegal, arbitrary and in violation of Section 437 of H.M.C.Act, 1955 and for a consequential direction to the authorities not to take any action without following due process of law.

The case of the petitioner is that he is absolute owner and possessor of the premises bearing H.No. 8-4-544/25/4 and 8-4-544/25/5 situated at B.Shankarlal Nagar, Erragadda, Yousufguda, Hyderabad, having purchased the same through the registered sale deed dated 17.12.2005 and have been in peaceful possession and enjoyment of the said property. Later, in the above said premises he proposed to demolish and construct the new building since the structures of the said premises are in dilapidated condition. Accordingly, he approached the authorities and submitted an application on 24.12.2014 duly paying a sum of Rs.10,000/-. He further submits that as the respondent authorities have not taken any decision on his application, he proceeded with the construction under deemed permission after completion of statutory period of 30 days as contemplated under Section 437 of the Hyderabad Municipal Corporation Act, 1955. While so, the respondent authorities without following due process of law, are trying to demolish the petitioners property. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Sri R.Radha Krishna Reddy, learned Standing counsel for respondent-Corporation submits that the petitioner has not obtained permission for construction of the building and that the respondent authorities would follow due process of law before taking any action.

In view of the aforesaid submission, this writ petition is disposed of directing the respondent authorities to follow due process of law before effecting demolition of the petitioner's property. There shall be no order as to costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

06.04.2015

Note:

Issue CC by tomorrow

(B/o) dv

